

URBAN/MUNICIPAL

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1998

BY-LAW 98-203

URBAN MUNICIPAL

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GOVERNMENT DOCUMENTS



By-law 98-203

City of Hamilton Licensing Code 1998

A By-law to Licence and Regulate Various Businesses

The Corporation of the City of Hamilton

BY-LAW NO. 98 -203

A By-law to Licence and Regulate Various Businesses

WHEREAS Councils may pass by-laws to licence, regulate and govern businesses carried on within the municipality;

AND WHEREAS it is desirable to repeal and replace The City of Hamilton Licensing Code, 1993, being By-law No. 93-069 as amended, and replace it with a new by-law to licence, regulate and govern various businesses;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS and APPLICATION

1.(1) In this By-law:

- (a) "business" has the same meaning as provided in section 257.1 of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended;
- (b) "City" means The Corporation of the City of Hamilton;
- (c) "City Council" or "Council" means the council of The Corporation of the City of Hamilton;
- (d) "City Treasurer" means the treasurer of the City;
- (e) "conditions" includes special conditions which are conditions imposed upon a business in a class that have not been imposed on all of the businesses in that class, as a requirement of obtaining, continuing to hold or renewing a licence;
- (f) "hearing" includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the licence should be granted, or not refused, revoked or suspended, with or without conditions;
- (g) "Issuer of Licences" means the Building Commissioner, the acting Building Commissioner in his or her absence, or the persons the Building Commissioner may designate from time to time to issue licences in his or her stead;
- (h) "Licensing Committee" means the City of Hamilton Licensing Committee established by Council;
- (i) "policies" or "policy" means policies or a policy approved by Council under section 15 of this By-law;
- (j) "Secretary" means the secretary of the Licensing Committee; and
- (k) "Schedule" shall be a reference to one or all the Schedules listed in Section 30, as the context requires.

(2) Except where otherwise provided, the provisions of this By-law apply to the engaging in or carrying on, in the City of Hamilton, of any of the businesses regulated by this By-law.

(3) This By-law is subject to the Theatres Act, R.S.O. 1990, c. T.6 and to the Retail Business Holidays Act, R.S.O. 1990, c. R.30.

ADMINISTRATION

2. Subject to the terms of this or other by-laws, or the directions of Council:

(a) Administration of this By-law shall be by the staff of the Building Department of the City, and

(b) Enforcement of this By-law shall be by the by-law enforcement officers of the City under the direction of the Issuer of Licences, and by police in accordance with the Police Services Act, R.S.O. 1990, c. P.15.

3.(1) A licensing committee under the City of Hamilton Act (Licensing Committee), 1997, S.O. 1997, c. Pr11, to be known as "The City of Hamilton Licensing Committee" (the "Licensing Committee") is hereby established, and shall be composed of those members appointed by Council, as listed in Appendix "A" attached to and forming part of this By-law.

(2) In place of the Council, the Licensing Committee shall, for the purpose of business and lottery licensing, hear the parties to a hearing or afford the parties an opportunity to be heard, and make decisions and recommendations from hearings so held.

(3) For the purposes of (2), the Licensing Committee shall apply the by-laws of the Council and have the powers, duties and rights as applicable under the Statutory Powers Procedures Act, R.S.O. 1990, c. S. 22.

(4) There shall be a secretary to the Licensing Committee, who may be assigned administrative duties by the Committee.

(5) The Secretary shall attend all meetings of the Licensing Committee and shall keep all necessary records and perform such other duties as may from time to time be required by the Licensing Committee.

4.(1) The Issuer of Licences duties include ensuring:

(a) Applications are on the form applicable to the class of licence applied for, complete, and signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;

(b) That the applicant has paid the fees required for the applicable licence(s) and application, for the term of the licence, prior to processing the application; and

(c) In the case of a taxi-cab owner's licence, ensuring that there is a licence approved or available for issuance or transfer.

(2) Where an application or applicant fails to comply with the requirements of (1)(a) or (b) or the Issuer of Licences instructions in that regard, or where no licences are available to be issued under (1)(c), the application shall be returned and not processed further.

(3) Where the application is refused under (2), the applicant may be advised if present and the application returned, or may be advised by letter sent by regular mail to the applicants address as disclosed by the application or previous last known address, if any.

APPLICATIONS and FEES

5.(1) An applicant for a licence shall file the application, materials and fees, and in the case of a licensee renewing a licence, shall file the required declarations, materials and fees, required to be supplied under the terms of this By-law.

(2) The applicant shall be responsible for ensuring that:

- (a) all forms are properly completed and signed where necessary;
- (b) truthful information is provided in forms required, or in responses supplied to enquiries made under this By-law;
- (c) prior to issuance of the licence, any correction of information supplied under paragraph (a) or (b) is brought to the attention of the Issuer of Licences in writing; and
- (d) all necessary and required information, materials and fees are delivered to the Issuer of Licences.

(3) An applicant may withdraw the application prior to issuance of the licence.

6.(1) The applicant shall make a written application for a licence, and shall include in or with the application:

- (a) the particular class or classes of licence applied for;
- (b) the full name, home address and telephone number of the applicant;
- (c) any other information as may be required for the kind and class of licence by the Schedules, or as may be required by the Issuer of Licences to identify the applicant, the business and its owner or operator, and the nature of the business which the applicant proposes to licence, including any premises or vehicle, cycle or cart to be used;
- (d) where the application is a renewal, the applicant shall either, supply completed and executed declarations on the form provided to the effect that there is no change to the information as supplied in the previous application and previous records of conviction required under this By-law, or shall provide either a new application or written and signed list of the changes in the required information from the previous application as may be requested by the Issuer of Licences; and
- (e) applicants shall supply with their application, information as follows:
 - (i) an applicant for the following classes of licence shall submit, as part of their application for a licence, their original criminal record together with a list of any criminal or provincial offences for which they have been convicted and not pardoned which are not found on the original criminal record submitted, or alternatively, provide the original certification from the police that they have no such record of conviction: Class B1, B2 or B3 Garage, Precious Metals and Jewellery Dealer, Pawnbroker, Salvage or Second-hand Goods Shop or Yard;
 - (ii) an applicant for the following classes of licence shall submit, as part of their application for a licence, their original criminal and driving records together with a list of any criminal, driving and other provincial offences for which they have been convicted and not pardoned that are not found on the original document submitted or alternatively to the requirement to provide their criminal record, provide the original certification from the police that they have no such record of conviction: Cab Driver and Owner, Limousine Driver and Owner, and Tow Truck Driver and Owner;

(iii) a licensee of the following classes, shall submit as part of their application for renewal of their licence, their original driving record together with a list of any driving offences for which they have been convicted and not pardoned that are not found on the original document submitted: Cab Driver, Limousine Driver and Tow Truck Driver; and

(iv) a licensee seeking to renew their licence for the classes set out in (i) or (ii) above, where a change of information has been noted in their criminal, provincial or driving record as applicable, shall upon request of the Issuer of Licences submit the records and information required by (i) or (ii) as applicable, with their application for renewal.

(2) The application and required materials shall be delivered in person by the applicant to the Issuer of Licences, together with the applicable fees.

(3) Where the business for which a licence is sought is carried on or is to be carried on by two or more persons in partnership, the partnership shall include the names and addresses of all partners in the application.

(4) A licensee who fails to have their licence renewed on or before its expiry date, upon renewal of the licence, shall pay an administrative re-instatement fee of \$25.00 in addition to the applicable licence fee.

(5) Where any premises or part thereof are to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes an accurate and complete description of such premises or of the part to be authorized to be so used, including the address and telephone number of the location, and shall make a separate application for each separate premises to be licensed.

(6) Where a motor vehicle is to be used for a purpose requiring authorization by licence, the applicant shall ensure the application includes a sufficient description of such vehicle, including the make, the model, the licence plate number, and the vehicle identification number, and shall make a separate application for each vehicle to be licensed.

7.(1) In this section, "licence" means a licence for a business of the following classes, which is not a renewal or transfer of a current and valid licence under this By-law: a lunch counter, take-out restaurant, or restaurant under Schedule 4, a public hall, bingo parlour, roller skating rink, billiard parlour or pool room under Schedule 8, a lodging house or second level lodging house under Schedule 15, any class of garage under Schedule 18, or a flea market under Schedule 21.

(2) Every person seeking a licence shall, for the proposed business, submit a plot plan in a form satisfactory to the Issuer of Licences, along with the fees and documents required for a zoning verification certificate, and submit the zoning verification certificate obtained as part of the application.

(3) Where a person submits a licence application and fails to comply with (2), unless the applicant withdraws the application, the Issuer of Licences shall schedule a hearing before the Licensing Committee seeking denial of the licence for the reason of an incomplete application, and the Licensing Committee shall recommend denial of the licence unless the applicant has complied with the requirements of (2).

8.(1) The applicable licence fee for each class or type of licence shall be those fees prescribed for each Schedule in the respectively numbered section of Schedule 23, for such type or class of licence or application, and shall be considered an annual fee unless this By-law specifies otherwise.

(2) Subject to (3), applicants and licensees shall pay the fees prescribed for the application and licence applied for, and their licence when issued shall expire in 12 months, on the anniversary of the date of issuance, unless the Schedule or this By-law provides for a shorter term.

(3) Annual licences having an expiry date in 1998 and being renewed, shall upon renewal have a new and randomly assigned expiry date, and licensees shall pay a fee proportionate to the applicable fee from Schedule 23 and the number of months for which their renewed licence is to be valid.

(4) In addition to the expiry date assigned under (2) or (3), a licence shall expire on the sooner of the following days:

- (a) when the licence is revoked or suspended under this By-law;
- (b) where the licence is issued to an individual, on the date of death of the individual; or
- (c) in the case of a licence issued to a partnership or corporation, on the date of dissolution of the partnership or corporation.

(5) Refunds of licence fees paid under (2) and (3) may be made, in the following amounts and circumstances:

- (a) Where an application for a licence is withdrawn by the applicant prior to processing the licence under section 11, a refund of the licence fee may be made to the applicant;
- (b) Subject to (e), where an application for a licence is withdrawn by the applicant after processing the licence under section 11 and before issuance, a refund of the licence fee may be made to the applicant;
- (c) Subject to (e), where a licence or renewal of a licence is refused or denied, a refund of the licence fee may be made to the applicant; and
- (d) Where a licence is revoked, a refund may be made of the proportionate amount of the unexpired portion of the term of the licence; and
- (e) In the case of an application for a licence other than a renewal, fifty-dollars of the licence fee is non-refundable in the event the application is withdrawn or the licence is not issued, and for the sake of clarity in this subsection, "renewal" means renewal by the current licensee of the previous year's licence without change.

(6) Except in the case of subsection (4)(b), the licensee shall return the licence certificate, plate, sticker or photo identification to the Issuer of Licences:

- (a) in the case of a licence that has been suspended or revoked, unless the licence certificate has been returned to the City at the earlier request of the Issuer of Licences, within seven days of the date of approval of the suspension or revocation by Council; or
- (b) where the business ceases to operate.

(7) Notwithstanding the fees otherwise payable under this section:

- (a) Licences issued or renewed after the implementation date of the Integrated Management and Tracking System and before December 2, 1998, shall be subject to a fee reduction in the amount of the lesser of \$15.00 or 10% of the applicable annual fee under Schedule 23; and

(b) no reduction under this subsection shall be payable for a licence issued or renewed after December 1, 1998.

9. The following fees shall be paid by the licensee for replacement of:

- (a) a licence certificate, \$10.00;
- (b) photo identification, \$5.00; and
- (c) a licence plate, \$50.00.

10. Where the City provides any form or other document to a person that requires the insertion of information, the form or document whether or not containing the inserted information in whole or in part, shall be and remain the property of the City.

ISSUANCE of LICENCES

11.(1) The Issuer of Licences upon receipt of a proper, completed application and fees will in the case of an application other than a renewal, and may in the case of a renewal where there is indication of change of information required for an application under this By-law, circulate the application to the Departments as marked in the affirmative in Appendix "B" attached to and forming a part of this By-law.

(2) Departments to which the application is provided under (1), shall review readily obtainable information and provide the Issuer of Licences with comments or compliance reports on whether the information indicates non-compliance with an applicable law which they enforce and which applies to the proposed business, and, where an inspection is made, shall provide the Issuer of Licence with a report on any non-compliance found as a result of that inspection.

(3) Where, under this By-law an applicant or licensee is to be tested, the Department responsible for the testing shall conduct the test or provide an opportunity for taking the test, and provide the Issuer of Licences with the test results.

(4) Applicants and licensees shall, as a condition of obtaining or continuing to hold a licence, permit inspections or inquires by representatives of the Departments in (2) as may be reasonably requested, and undertake the tests referred to in (3).

(5) The Issuer of Licences may send notice of the comments or other response from the Departments received under this section to the applicant or licensee.

12.(1) Subject to (2), the Issuer of Licences shall:

- (a) refuse to issue the licence, where a policy under section 15 requires refusal or where approval of the licence under the policy would put the public safety at risk;
- (b) refuse to issue the licence where the requirements for the applicant and applicable licence under this By-law, including those imposed by any Schedule or conditions to be met, are not met, or where it is determined that the application is incomplete or contains false or misleading information, the fees have not been paid, fines for convictions under the Provincial Offences Act are due and unpaid, or that a prohibition or other court order made upon such conviction have not been complied with by the applicant or licensee, or
- (c) approve the licence upon conditions specified where required by a policy under section 15, where (a) and (b) do not apply, or

(d) approve the licence where (a), (b) or (c) do not apply, or where Council has approved issuance of the licence.

(2) The Issuer of Licences shall refuse to licence and not approve an application for a licence for a business under subsection (1), where a response received from a Department under section 11 indicates there is a non-compliance with this By-law or other law, or will be such non-compliance if the business is allowed to operate.

(3) Where the Issuer of Licences refuses to issue a licence under this section, a dated, written notice shall be sent to the applicant or licensee of the refusal of their licence, and the ground(s) on which such refusal is based.

13.(1) Subject to (2), the applicant or licensee is entitled to a hearing before the Licensing Committee where the decision of the Issuer of Licences is to refuse a licence, and the parties to such a hearing shall be the City and the applicant or licensee.

(2) To obtain a hearing before the Licensing Committee over the refusal to issue a licence, the Applicant or licensee shall within thirty days from the date contained in the notice sent under subsection 12(3) above, file a written request for a hearing with the Secretary of the Licensing Committee together with the grounds for appeal of the decision of the Issuer of Licences, which request shall include any change to their address for receipt of notice of the hearing.

(3) The Secretary, where written request of applicant or licensee meeting the requirements and time limits in subsection (2) is received, shall schedule a hearing before the Licensing Committee, and send written notice of the hearing to the parties, which notice may be personally delivered or sent by regular or registered mail.

(4) A hearing under this section shall be commenced by the Licensing Committee within 60 days from the date of receipt of the notice under (2).

14.(1) The Issuer of Licences may recommend that a hearing be held to consider whether a licence should be revoked or suspended, where the Issuer of Licences finds:

(a) that the requirements of this By-law are not being met, including any requirement contained in any applicable Schedule or in conditions attached to the licence or earlier suspension;

(b) that information supplied to obtain the licence or meet a condition was false or misleading;

(c) fees have not been paid;

(d) fines for convictions under the Provincial Offences Act are due and unpaid, or a prohibition or other court order made upon such conviction have not been complied with by the licensee; or

(e) the business is being operated in contravention of this By-law or the law.

(2) The Issuer of Licences may also recommend that a hearing be held to consider whether a licence to which the policies approved under section 15 are applicable, should be revoked or suspended, where after the licence has issued public safety is found to be at risk by operation of the business or where there are one or more convictions of the licensee of the type or number when combined with the licensee's prior record, would allow the Issuer of Licences to refuse to issue such a licence under the policies.

(3) Council may direct the Issuer of Licences to send a written notice to the Licensing Committee to hold a hearing for revocation or suspension of a licence, or the attachment of conditions to a licence, on the grounds as provided for in this section, sections 17 or 18, or upon the ground that the conduct of a person, or in the case of a corporation, its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity, or will not do so without the imposition of conditions or a suspension.

(4) The recommendation of the Issuer of Licences shall be in writing and contain the grounds upon which the licence is recommended to be suspended or revoked, and be sent to the licensee and the Secretary.

(5) The licensee is entitled to a hearing before the Licensing Committee into the recommendation of the Issuer of Licences, and the parties to the hearing shall be the City and the licensee.

(6) Where the Secretary receives the recommendation of the Issuer of Licences or City Council to hold a hearing, the Secretary shall arrange a hearing date with the Licensing Committee and send written notice of the hearing to the licensee and the Issuer of Licences.

(7) The written notice in (6) shall include or attach the grounds as provided by the Issuer of Licences or Council.

15. The Issuer of Licences shall use and apply the policies, where applicable, to the decision to deny or approve licences with or without conditions, or to recommend revocation or suspension of licences, which policies are attached as Appendixes "C" and "D" and form part of this By-law.

16.(1) The Licensing Committee shall hold a hearing in respect of the matter as arranged by the Secretary.

(2) The Licensing Committee may consider the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, in respect of the hearing and conduct of hearings, the failure of the applicant or licensee to attend the hearing, and its decisions and recommendations.

(3) The Licensing Committee shall have regard to the following matters where relevant, as may be raised at a hearing:

(a) this By-law and other applicable law;

(b) circumstances and facts raised by evidence of the parties;

(c) the legitimate business interests of the applicant or licensee; and

(d) whether the business is or will be carried on in compliance with the law, and whether the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity.

(4) The Licensing Committee, after a hearing or opportunity for a hearing is provided, may recommend that a licence be granted or refused, suspended or revoked, and may recommend to Council the imposition of conditions, on the grounds for such decisions provided for in this By-law.

(5) The Licensing Committee shall forward a report to Council on the final decision arising from each hearing or opportunity for a hearing.

(6) After Council has made a decision in respect of the recommendation of the Licensing Committee, the Secretary shall send notice of a decision to refuse, revoke or suspend a licence to the applicant or licensee by personal delivery, or to their last known address by registered mail, and such revocation or suspension is effective upon such notice being mailed or personally delivered.

17.(1) Council in its discretion, after considering the report of the Licensing Committee from a hearing, may grant or refuse a licence, suspend or revoke a licence, or impose or attach conditions all without a hearing, having regard to the matters considered by the Committee at the hearing in subsection 16(3), and having regard to this By-law or other applicable law, which discretion shall be exercised on the grounds set out within this By-law, or upon the ground that the conduct of a persons, or in the case of a corporation, its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

(2) The grounds in subsection (1), include the grounds in this By-law which permit the rejection of an application for a licence, the refusal of a licence, the issuance of a conditional licence or the attachment of conditions to a licence, or grounds upon which the Issuer of Licences may recommend revocation or suspension of a licence.

(3) Council may direct the Licensing Committee to hold a hearing or give an opportunity for a hearing, and in respect of a hearing or opportunity for a hearing that has already occurred may direct a new or further hearing, on such issues as Council may specify.

(4) Where the decision of Council is to issue a licence or conditional licence the Issuer of Licences shall respectively, issue the licence or issue the conditional licence, on the terms directed by Council.

(5) When the Licensing Committee has held a hearing and reported to Council, and City Council has made a decision to deny or revoke a licence, or to refuse the renewal or transfer of a licence, any re-hearing or hearing with respect to that licence shall be not considered for one year from the date of Council's decision.

18.(1) In its decisions under section 17, Council in its discretion, may also attach conditions to obtaining, continuing to hold or renewing a licence, including conditions attached to the ending of a suspension of a licence, as may be provided for in this By-law, on the grounds specified in this By-law and in particular this section and section 17.

(2) Conditions under (1) may include requirements to:

- (a) comply with by-laws or other laws, or to provide proof of such compliance;
- (b) pay fines owing under Provincial Offences Act, and to comply with other court order imposed upon such conviction, or to provide proof of payment or other compliance;
- (c) change hours of operation of the business;
- (d) re-take a test required under this By-law;
- (e) supply additional information on criminal, provincial or driving convictions, and to supply periodic updates of such convictions or records;
- (f) supply information for verification of evidence given at a hearing; and
- (g) such other conditions, on the grounds that they are reasonably required to ensure the persons carrying on the business do so in accordance with the law or with honesty and integrity.

(3) Conditions requiring changes to hours of operation of a business under (2) above, may be made where such change will reduce nuisances caused by operation of the business as raised by the hearing, after taking into account the legitimate business interests of the applicant or licensee, the history of the operation, and any reasonable or effective plan of the applicant or licensee to reduce the nuisances.

(4) The Issuer of Licences may issue a licence with specified conditions, where a policy under section 15 provides for such issuance and conditions.

(5) The applicant or licensee shall meet the conditions imposed on the licence or approval of the licence under this By-law, and failure to do so shall allow the denial, revocation or suspension of the licence under the terms of this By-law.

(6) An applicants or licensees failure to meet a condition imposed under this By-law is deemed reason to deny a licence, and the Issuer of Licences shall deny such licence if the condition is required to be met before issuance of the licence and is not met and in which case section 12(3) shall apply, and otherwise the failure by the applicant or licensee to meet a condition imposed is reason for the Issuer of Licences to recommend that the Licensing Committee hold a hearing to consider revoking or suspending the licence under section 14.

GENERAL and OFFENCES

19.(1) Every licence certificate shall be in such form as may from time to time be authorized by the Issuer of Licences and shall show on its face:

- (a) the kind or class or classes of licence granted;
- (b) the date of expiry;
- (c) whenever the licence authorizes the use of any premises or part or parts for the purpose of the licensed business, identification of such premises or part or parts; and
- (d) wherever the licence authorizes the use of a vehicle, cycle or cart, identification of the vehicle, cycle or cart.

(2) Licence certificates may show conditions imposed on the licence.

(3) No licence certificate shall be valid until it is shown on the face of the certificate that the amount of the licence fee has been paid.

(4) The signature of the Issuer of Licences shall affixed to each issued licence certificate, and a mechanical reproduction of the signature may be affixed in place of the original.

20. Every licence certificate, licence plate, identification card, form or document, shall be delivered forthwith to the City upon written or oral request of the Issuer of Licences or a licence inspector acting upon his or her direction.

21.(1) Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Issuer of Licences or Council.

(2) No licence is transferable unless a transfer is specifically provided for in the applicable Schedule.

(3) No licence authorizes the use of any premises or part, or of any vehicle, cycle or cart, except that identified on the licence certificate or record of application.

22.(1) Where a licence authorizes the use of any premises or part, for any purpose for which a licence is required under this By-law, the current licensee shall:

- (a) post up the licence certificate; and
- (b) keep the licence certificate posted up, in a position where it may readily be seen and read by persons entering the premises or part thereof.

(2) No licence which is not current shall be posted up or left posted up.

23. The licensee shall be responsible that the premises authorized to be used for the purposes of the licensed business are kept clean and orderly, and that every vehicle, cycle or cart authorized to be used for the purpose of the licensed business is so used only when in a clean and safe condition.

24. Persons carrying on or engaged in the businesses for which licensing is provided under this By-law, shall allow at any reasonable time, inspection of the places or premises used in the carrying on of the business and equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business, by persons authorized to enforce the provisions of this By-law.

25. A licensee who is issued a licence on the condition that they provide further criminal or driving records, shall supply the information required by clauses 6(1)(e)(i) and (ii) as applicable, on the intervals required by the conditions imposed on their licence.

26.(1) Every person engaging in or carrying on any business for which a licence is required by the provisions of this By-law shall be responsible that all the provisions of this By-law and the applicable Schedule or Schedules regulating such business are complied with.

(2) Licensees shall comply with the terms of this By-law, the applicable Schedule or Schedules, and conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the business on their behalf, to fail to comply with this By-law, the applicable Schedule or Schedules and the conditions of their licences.

(3) Compliance with the terms and conditions of this By-law and its Schedules, is a condition of an applicant or licensee obtaining, continuing to hold or renewing a licence.

27.(1) Subject to (2), every person who contravenes this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$50,000.00 and not as provided in (1).

28.(1) A notice given or required to be given to an applicant or licensee under this By-law, may be sent by facsimile, regular mail or registered mail to a number or address supplied by the applicant or licensee, or delivered personally to the applicant or licensee, or to a person in charge of the premises, vehicle, cart or cycle licensed or required to be licensed under this By-law.

(2) Notwithstanding any other section of this By-law, a notice of refusal to issue, or a notice of revocation or suspension of a licence is effective upon personal delivery to a person in charge of the business premises, vehicle, cart or cycle licensed.

SEVERABILITY AND SAVING

29. Should a court of competent jurisdiction declare a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

SCHEDULES

30. The following Schedules appended hereto, form part of this By-law:

- Schedule 1 Retail Butchers and Fish Mongers
- Schedule 2 Taxicabs
- Schedule 3 Limousines
- Schedule 4 Eating Establishments
- Schedule 5 Food Shops
- Schedule 6 Tow-trucks
- Schedule 7 Pedlars
- Schedule 8 Public Halls and Places of Amusement
- Schedule 9 Refreshment Vehicles
- Schedule 10 Salvage and Second-Hand Goods Businesses
- Schedule 11 Sign Posters and Bill Distributors, etc.
- Schedule 12 Tobacco Retailers
- Schedule 13 Transient Traders
- Schedule 14 Bake Shops
- Schedule 15 Lodging Houses
- Schedule 16 Pawnbrokers
- Schedule 17 Public Baths
- Schedule 18 Public Garages
- Schedule 19 Precious Metals and Jewellery Dealers
- Schedule 20 Building Exterior Cleaners
- Schedule 21 Flea Markets
- Schedule 22 Forms
- Schedule 23 Fees

REPEALS

31. By-law No. 93-069, and all the amendments and the By-laws or sections listed in Appendix "E" hereto, are repealed and replaced by this By-law, which may be cited as "The City of Hamilton Licensing Code, 1998".

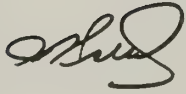
PASSED this

7th

day of

July

A.D. 1998.



City Clerk



Mayor

APPENDIX "A"

To By-Law No. 98- 203

(Section 3)

Members of the City of Hamilton Licensing Committee

1. Alderman F. Eisenberger
2. Alderman D. Haining
3. Alderman B. Kelly
4. Don Drury
5. Nancie Mleczko

APPENDIX "B"

Departments/Circulations

(Section 11)

Schedule	Category	Building	Fire	Health	Traffic
1	Retail Butchers and Fish Mongers				
	Butcher	Yes	No	Yes	No
	Fresh Fish	Yes	No	Yes	No
2	Taxi-cabs				
	Taxi-cab Brokers	No	No	No	No
	Taxi-cab Drivers	No	No	No	No
	Taxi-cab Owners (private)	No	No	No	No
	Taxi-cab Owners (public)	No	No	No	No
3	Limousines				
	Limousine Owners	No	No	No	No
	Limousine Drivers	No	No	No	No
4	Eating Establishments				
	Restaurant	Yes	Yes	Yes	Yes
	Restaurant Take-out	Yes	Yes	Yes	Yes
	Drive-In Restaurant	Yes	Yes	Yes	Yes
	Lunch Counter	Yes	Yes	Yes	Yes
	Refreshment Stand	Yes	Yes	Yes	No
5	Foodshops	Yes	No	Yes	No
6	Tow Trucks				
	Tow Truck Owners	No	No	No	No
	Tow Truck Drivers	No	No	No	No
7	Pedlars				
	Foot	No	No	No	No
	Vehicle	No	No	No	No
8	Public Halls & Places of Amusement				
	Amusement Machines	Yes	Yes	No	Yes
	Amusement Rides	Yes	No	Yes	Yes
	Carnival	Yes	No	Yes	Yes
	Circus	Yes	Yes	Yes	Yes
	Arena	Yes	Yes	Yes	No
	Billiards	Yes	Yes	Yes	No
	Bingo Parlour	Yes	Yes	Yes	No
	Bowling Alley	Yes	Yes	Yes	No
	Public Hall	Yes	Yes	Yes	Yes
	Roller Skating Rink	Yes	Yes	Yes	Yes
	Theatre	Yes	Yes	Yes	No
9	Refreshment Vehicles				
	Chip Wagon	Yes	Yes	Yes	No
	Carts and Bicycles	No	No	No	No
10	Salvage & Second Hand Goods				
	Salvage Yard	Yes	Yes	Yes	Yes
	Second Hand	Yes	No	No	No

Schedule	Category	Building	Fire	Health	Traffic
11	Sign Posters and Bill Distributors				
	Bill Poster	Yes	No	No	No
	Bill Distributor	No	No	No	No
12	Tobacco Retailers	No	No	No	No
13	Transient Traders	Yes	No	No	No
14	Bakeshops	Yes	No	Yes	No
15	Lodging Houses	Yes	Yes	Yes	Yes
16	Pawnbrokers	Yes	No	No	No
17	Public Baths	Yes	No	Yes	No
18	Public Garages				
	A (Buying, Selling, Storing)	Yes	No	No	Yes
	B1 (Combined Engine and Bodywork)	Yes	Yes	No	Yes
	B2 (Engine Work)	Yes	Yes	No	Yes
	B3 (Body Work)	Yes	Yes	No	Yes
	C (Gas Hoses)	Yes	No	No	Yes
	D (Parking Lot)	Yes	No	No	Yes
	E (Car Wash Only)	Yes	No	No	Yes
19	Precious Metals and Jewellery Dealers	Yes	Yes	Yes	No
20	Building Exterior Cleaners	Yes	No	No	No
21	Flea Markets	Yes	Yes	Yes	Yes
By-law 98-	Adult Entertainment Parlours				
	Owner	Yes	Yes	Yes	Yes
	Operator	No	No	No	No
	Attendant	No	No	No	No
By-law 98-	Body Rub Parlours				
	Owner	Yes	No	Yes	Yes
	Operator	No	No	No	No
	Attendant	No	No	Yes	No
By-law 98-	Second Level Lodging Houses	Yes	Yes	Yes	Yes
By-law 98-	Adult Videos				
	Class A	Yes	Yes	Yes	No
	Class B	No	No	No	No

**Departmental Policy Standard
Character and Driving Record Criteria
For Conditional Issuance and Refusal
Of Mobile Licence Applications**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of the application date
B	Refuse licence if 3 or more Criminal Code convictions within 5 years of the application date
C	Refuse licence if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within 5 years of application date
E	Refuse licence if 1 Criminal Negligence or Impaired Driving conviction within 1 year of application date
F	Refuse licence if 2 Criminal Negligence or Impaired Driving convictions (or 1 of each) between 1 and 4 year old from application date
G	Issue conditional licence for 1 year, if 1 Criminal Negligence or Impaired Driving conviction, between 1 and 4 years old from application date
H	Refuse licence if either 6 demerit points lost or 4 driving convictions within 1 year of application date
I	Issue conditional licence for 6 months if 3-5 demerit points lost or 3 driving convictions within 1 year of application date

Cab Driver
Cab Owner
Limousine Driver
Limousine Owner
Tow Truck Driver
Tow Truck Owner

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

A conditional licence issued as a result of a driving record is for a 6 month period (licence holder must submit an updated driving record at the end of the 6 month period). At annual licence renewal, an updated driving record is required for all mobile "driver" licence holders

Notwithstanding the policy, the Building Commissioner may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It s a licence applicants right to appeal this decision to the Licensing Committee.

**Departmental Policy Standard
Character Criteria
For Conditional Issuance and Refusal
Of Establishment Licence Applications**

A	Refuse licence if 2 or more Criminal Code convictions within 2 years of application date
B	Refuse licence if 3 or more criminal convictions within 5 years of the application date
C	Refuse licence if convicted of a criminal offence where the sentence imposed was 5 years or longer
D	Issue conditional licence for 1 year if convicted of 1 Criminal Code conviction within last 5 years

Adult Entertainment Parlour – Owner
 Adult Entertainment Parlour – Operator
 Adult Entertainment Parlour – Attendant
 Body Rub Parlour – Owner
 Body Rub Parlour – Operator
 Body Rub Parlour – Attendant
 Garage - B1 motor repair and body, B2 motor repair only, B3 body only
 Precious Metal Dealer
 Pawnbroker
 Salvage Yard
 Second Hand Shop

A conditional licence issued as a result of a criminal record is for a 1 year period (licence holder must submit an updated criminal abstract at 6 months and at 1 year).

Notwithstanding the policy, the Building Commissioner may refuse an application for a licence above due to concerns of public safety being at risk. The licence applicant shall be informed of this decision in writing. It is a licence applicants right to appeal this decision to the Licence Committee.

APPENDIX "E" TO BY-LAW 98-203

1. The following by-laws are repealed in their entirety:

By-laws 92-172, 93-043, 93-071, 93-127, 93-152, 93-171, 93-218, 93-241, 94-160, 95-117, 95-170, 95-171, 96-011, 96-037, 96-046, 96-047, 96-097, 96-118, 97-141, 98-152 and 98-185.

2. The following sections and subsections of the respective by-laws are repealed:

Section 1 of By-law 94-044; Section 1 of By-law 95-215; and Subsection 1(1) of By-law 98-032.

SCHEDULE 1

RETAIL BUTCHERS AND FISH MONGERS

Interpretation

1. In this Schedule,

- (a) "retail butcher" means a person who sells fresh meat in quantities less than by the quarter carcass; and
- (b) "fishmonger" means a person who sells fresh fish.

Application of Schedule

2. Nothing in this Schedule affects the powers conferred upon the City Council by the provisions of The Municipal Act.

Licence Required

3. No person shall, in the City of Hamilton, sell fresh meat in quantities less than by the quarter carcass, or fresh fish, without a licence under this by-law, entitling him so to do.

Sale of Horse Meat

4. No person shall, in the City of Hamilton, sell any fresh horse meat in quantities less than by the quarter carcass,

- (a) without a licence under this by-law, specifying that it is for the sale of fresh horse meat;
- (b) except in premises authorized for the purpose, with signs displayed conspicuously both outside and inside bearing the words "Horse Meat Sold Here", in plain and legible letters at least six inches high; or
- (c) in any premises where any other fresh meat or poultry or product thereof is offered or exposed for sale.

5. A licence issued under this Schedule is only permission to sell from the location or vehicle as the case may be, for which the licence has been issued.

6. Obtaining a licence under this Schedule or the payment of the licence fee required, does not excuse an applicant or licence holder from compliance with by-laws and regulations passed respecting markets, and in particular the applicant or licence holder must still pay all applicable markets fees and comply with the hours of operation imposed.

SCHEDULE 2

TAXI-CABS

1. In this Schedule,

1. "City" means the City of Hamilton;
2. "driver's licence" means a licence issued to a taxi-cab vehicle driver under this by-law and "licensed driver" has a corresponding meaning;
- 2a. "Goods and Services Tax Legislation" shall mean an Act or Acts of the Parliament of Canada which, respectively has or have the effect of imposing a tax on goods and services on the value of such goods and services;
- 2b. "hourly rate" means the rate set by paragraph 1 of section 33;
3. "limited interest agreement" means a written agreement in FORM 4 wherein a limited interest in a licence is temporarily transferred by a plate owner, and containing terms and conditions prescribed in section 17(4) and any other terms and conditions not contrary to this by-law;
4. "limousine" means a vehicle licensed under Schedule 3 of this by-law.
5. "owner" includes the owner of a vehicle or a purchaser of a vehicle under contract, agreement, understanding or arrangement;
6. "owner's licence" means, as the case may be,
 - (i) a licence taken out by a vehicle owner authorizing the use of the vehicle as a taxi-cab; or
 - (ii) a limited interest licence taken out by a plate user authorizing the use of the vehicle as a taxi-cab;
7. "plate owner" means a person who holds a taxi-cab licence but who has ceased owning the taxi-cab respecting which the licence was issued;
8. "plate user" means an individual owner who enters into a limited interest agreement with a plate owner;
9. "private cab" means a taxi-cab which uses a two-way radio or other form of dispatch to locate passengers, but does not include a public cab;
10. "public cab" means a taxi-cab that operates from a public taxi-cab stand, and is without a two-way radio or other form of radio dispatch to locate passengers not at a public taxi-cab stand;
11. "public taxi-cab stand" means a stand or place on a highway assigned by the City for the purpose of providing a site for the congregation of public taxi-cabs awaiting passengers;
12. "spare vehicle" means a vehicle that can be used as a taxi-cab in substitution of a vehicle in respect of which an owner's licence has been issued, pursuant to the provisions of this by-law;

13. "taxi-cab" means a motor vehicle as defined in the Highway Traffic Act, having a seating capacity of not more than 10 persons including the driver, hired for one specific trip for the transportation exclusively of one person or group of persons.
14. "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by a person other than the taxi-cab broker, his or her immediate family, or his or her employer;
15. "taxi-cab driver" means a person whose occupation is driving a taxi-cab;
16. "taxi-cab owner" means, as the case may be,
 - (i) a person who is the owner of a taxi-cab; or
 - (ii) a plate user;
 - (iii) a person referred to in clauses (i) or (ii) to whom an owner transfers his or her licence.

PART 1

Administration

2.(1) Every person who is and carries on business as,

- (a) a taxi-cab owner;
- (b) a taxi-cab driver;
- (c) a taxi-cab broker,

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab.

(2) No person required to obtain a licence under Subsection (1) shall carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab without a licence.

(3) Where a person is required to obtain a licence under Subsection (1),

- (a) a separate licence certificate shall be issued for each licence applied for, and
- (b) a separate licence certificate shall be issued for each taxi-cab.

(4) Every licence certificate issued to a taxi-cab owner or a taxi-cab broker shall clearly identify the one vehicle in respect of which the licence was issued to the taxi-cab owner or taxi-cab broker.

2a. The operation of a motor vehicle which has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule.

2b. A motor vehicle operated by or on behalf of the Regional Municipality of Hamilton-Wentworth as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owned or operated by the Hamilton Street Railway Company or a motor vehicle owned or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 2 and 3.

2c. In this by-law, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act.

2d. In this by-law, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2.

2e.(1) Subject to subsection (2), the transportation of students for hire, to and from school within the City of Hamilton shall be by licensed taxi-cab, unless the vehicle used is a school bus which is licensed under the Public Vehicles Act, R.S.O. 1990, c.54.

(2) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 2 or 3 of this by-law.

2f.(1) A motor vehicle providing transportation under contract exclusively for preschool children, and operating in a manner distinct from taxi, is exempt from the requirement for an owners or drivers licence under Schedules 2 and 3 of this by-law.

(2) For the purposes of (1), the following shall apply:

(a) "Contract" means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers;

(b) "Preschool children" means children under six years of age;

(c) "Taxi" means a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle; and

(d) "Manner distinct from taxi" means lacking one or more of the characteristics of a taxi.

3. Notwithstanding any other provision of this Schedule, no taxi-cab owner's licenses shall be issued, except for renewals or transfers approved, until Council authorizes the issuance of licences for that year.

4.(1) Every applicant for a broker's licence, an owner's licence or a driver's licence, or a renewal of the licence shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative.

(2) Where a taxi-cab is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant for an owner's licence shall fully complete an application on FORM 1 hereto annexed as Appendix "A" to Schedule 2.

(4) Every applicant for a driver's licence shall fully complete an application on FORM 2 hereto annexed as Appendix "B" to Schedule 2.

(5) No application shall be accepted as made and filed unless shown therein are,

(a) the approval of the taxi-cab owner, and

(b) the approval of the taxi-cab broker as to whose place of business that taxi-cab is located.

(6) Every applicant for a licence as a taxi-cab driver shall, in addition to any other information required under this Schedule, with every application and renewal of application,

(a) provide for inspection by the Issuer of Licences, a Class G licence issued under The Highway Traffic Act; and

(b) sit for a photograph to be taken by the Issuer of Licences at the expense of the applicant.

5.(1) Every applicant for a licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of,

(a) the operation of a taxi-cab, and of this by-law, as it relates to taxi-cabs and limousines;

(b) the laws and regulations pertaining to traffic and motor vehicles;

(c) the relationship between taxi-cab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

(d) the use of the equipment part of taxi-cabs including two-way radio, taximeter, and roof lights;

(e) the use of trip sheets, making damage reports and record keeping; and

(f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless,

(a) the applicant achieves not less than 70% on each test required to be undertaken; and

(b) the applicant has a photo identification taken by the city.

6.(1) Before a licence is issued, the taxi-cab owner or taxi-cab driver may provide a medical certificate on a form supplied by the City signed by a duly qualified medical practitioner in the Province of Ontario, certifying that the owner or driver of the taxi-cab is physically and mentally fit to drive a taxi-cab.

(2) Every taxi-cab owner and taxi-cab driver shall provide a certificate of the Medical Officer of Health of the City as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

7. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall be at least eighteen years of age.

8. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for that change of address to be entered.

9.(1) No transfer of an owner's licence certificate from a taxi-cab owner to a purchaser of the licence shall be approved unless,

(a) the purchaser makes and files an application on FORM 3, hereto annexed as Appendix "C" to Schedule 2, and pays the transfer fee;

(b) the purchaser files a statutory declaration at the time of application that all provisions of this Schedule respecting the condition of the vehicle and requirements thereon under this by-law have been complied with; and

(c) the purchaser files a statutory declaration by the vendor of the vehicle and the purchaser of the taxi-cab to which is attached an executed copy of the agreement of purchase and sale showing full financial details of the transaction, and any other details as requested by the Issuer of Licences.

(2) Nothing in subsection (1) shall obligate the City to approve the transfer of the licence.

10. No licensee who is the holder of a licence as a taxi-cab owner shall enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxi-cab for which the licence was issued, by any other person who is not a licensed taxi-cab driver.

11.(1) No person being the owner of a taxi-cab equipped with a taxi-meter and to whom a licence has been issued shall, without the approval of the Licensing Committee, carry on or permit to be carried on the business of conveying passengers for hire in a taxi-cab or permit any person to drive the taxi-cab for hire, where the monetary interest of the person to whom a licence has been issued is less than 50% of the fair market value of the taxi-cab.

(2) For the purpose of subsection (1), "fair market value" is an amount that a licensed taxi-cab equipped with a taxi-meter might be expected to realize if sold in the open market by a willing seller to a willing buyer, but not more than an amount determined by the Licensing Committee.

PART 2

Taxi-cab Owners

12. Every taxi-cab owner shall comply with the following regulations:

1. Before acting as a taxi-cab driver,

(a) comply with all the requirements for the issuance of a taxi-cab driver's licence under Section 3, except that payment of the fee for issuance of a driver's licence shall not be required; and

(b) obtain the approval of Council, duly endorsed and shown on the owner's licence.

2. Before issuance of an owner's licence, provide the City, in writing, with the following information in respect of every vehicle to be used as a taxi-cab vehicle,

- (a) certificate of ownership,
- (b) certificate of insurance, and
- (c) a current Safety Standard Certificate as issued by the Ministry of Transportation.

3. For each taxi-cab for which the owner holds a licence, and before use of the taxi-cab,

- (a) where the taxi-cab is to be used for the carrying of parcels, letters, documents, goods or chattels, obtain a policy or policies of insurance in respect of same;
- (b) obtain a policy of insurance in respect of the taxi-cab in an amount not less than \$500,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;
- (c) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than \$500,000.00, exclusive of interest and costs; and
- (d) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy;
- (e) deposit a certified true copy of the policy of insurance and all endorsements with the City.

4. Maintain the policy of insurance referred to in regulation 3 of this section in force and effect during the entire period of time for which the licence is issued and in force and effect.

5. Use or permit to be used a taxi-cab only where prior to its use,

- (a) the owner has produced a registration issued under the Highway Traffic Act, in respect of the class of motor vehicle to be used as a taxi-cab;
- (b) the City has been informed of any changes in the motor vehicle registration;
- (c) the owner has submitted the motor vehicle to the City for inspection and approval and has obtained authorization for the vehicle to be used; and
- (d) the taxi-cab is equipped with a two-way radio where the taxi-cab owner is the plate user.

6. Subject to The Highway Traffic Act, not use or permit to be used any taxi-cab that does not have affixed to the vehicle,

- (a) a City of Hamilton licence plate having an identity number and clear indication that the taxi-cab is licensed for use in the taxi-cab business as either a public taxi-cab or a private taxi-cab; or

(b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a taxi-cab where the original licence plate has been lost, defaced or destroyed.

7. Affix to the back of each taxi-cab in a manner and in a position approved by the City any taxi-cab licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

8. Affix a taxi-cab licence plate to a spare vehicle registered under Part 5 of this Schedule only with the consent of the City and in accordance with the provisions of Part 5 of this Schedule.

9. Affix to both sides of the exterior of every vehicle a number, in sequence designated by the City, which is,

- (a) not less than six inches in height;
- (b) in contrasting colours to the colour of the vehicle; and
- (c) affixed in a location approved by the City.

10. Permanently and securely affix on top of the taxi-cab an illuminated sign approved by the City and connected to the taximeter,

- (a) indicating the word "taxi"; or
- (b) indicating the name and telephone number of the licensed owner of the taxi-cab, or the taxi-cab broker with whom the taxi-cab is associated.

11. Equip each taxi-cab with a taxi-meter, for the calculation and display of the costs of a trip, capable of meeting the requirements of paragraph 12 below. (new)

12. Cause each taxi-meter to be,

- (a) submitted for the testing, inspection and sealing by such person as the Chief Licence Inspector designates and at such times and locations as designated;
- (b) illuminated between sunset and sunrise;
- (c) in a raised position, such that the charges are plainly visible to, and readable by, all passengers;
- (d) adjusted in accordance with the rates prescribed by PART 11 of this Schedule;
- (e) tested and approved by the Chief Licence Inspector, by running the taxi-cab to which it is attached over a measured track, route, or distance, or by suitable mechanical means, before being sealed;
- (f) used only when the seal thereon is intact;
- (g) kept in good working condition at all times and not used when defective in any way;
- (h) numbered and not used until approved by the Chief Licence Inspector or other person designated by the City;

- (i) used only if the taxi-meter is connected with the electric sign referred to in Regulation 11 of this section in such a manner that the sign is lighted when the taxi-meter is extinguished and not operating when the taxi-meter is operating.

13. Affix and maintain affixed an approved tariff card, containing rates in accordance with those set out in PART 11 of this Schedule, and specifying goods and services tax, in a place in the taxi-cab in such a manner that the tariff of charges is plainly visible to, and readable by, all passengers.

14. Cause a taxi-cab to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

15. Make such improvements or repairs to the taxi-cab, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licensing Committee.

16. Immediately check for mechanical defects in the taxi-cab reported by a driver.

17. Not operate or permit to be operated as a taxi-cab any vehicle not in good mechanical condition.

18. Not operate or permit to be operated as a taxi-cab any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by this By-law or the Licensing Committee.

19. Display or permit to be displayed, no advertisement, whether a sign, picture or painted message, on or in the taxi-cab except,

- (1) Not more than five interior advertising signs, each not exceeding 26 centimetres by 31 centimetres in size, placed on the back of the front seat in such a way as to not obscure the vision of the driver, or the view from the rear seat of the vehicle of the photo identity card, meter, licence and tariff card;

- (1a) One interior display unit placed on the ceiling, not exceeding 41 centimetres high by 122 centimetres wide, and which does not obstruct access to the vehicle, the drivers view of traffic, or the visibility of the photo identity card, meter, licence and tariff card;

- (1b) In addition to the advertising permitted in sub-paragraphs (1) and (1a), advertising is permitted on the rear window of the taxi-cab, provided it is transparent from the interior of the taxi-cab so the driver is able to observe traffic and objects through the rear window of the vehicle;

- (2) One rooftop mounted sign with interior illumination, provided that;

- (a) the sign does not exceed 122 centimetres in length, 79 centimetres in width, and 46 centimetres in height,

- (b) the sign is securely mounted to the vehicle, so that the sign and any advertising materials exhibited are unlikely to loosen or separate from the vehicle during operation,

- (c) if the said rooftop sign obstructs or replaces any taxi roof sign required under paragraph 10 of section 12 of this Schedule, the vehicle shall have visible, from the front and rear of the vehicle, a rooftop sign with the same operation and content as that required under the said paragraph 10, indicating the name, number and owner of the taxi-cab, or its brokerage, and

(d) further provided that upon the addition of the rooftop sign to the vehicle, any exterior advertisement, except those for the taxi-brokerage but including the type mentioned in sub-paragraph (3), must be removed the sooner of when the vehicle is repainted, replaced, or the second anniversary of the date of passage of this by-law; and

(3) One exterior painted advertisement measuring not more than 16 centimetres by 92 centimetres in size, provided that said advertisement is painted on the rear end of the vehicle and does not cover the licence plates, unless the rooftop sign permitted in sub-paragraph (2) above is added to the vehicle, in which case clause (d) above applies to the removal of the advertisement.

20. Not employ or permit any person other than a licensed taxi-cab driver employed by the taxi-cab owner to operate his or her taxi-cab.

21. At the request of a taxi-cab driver, give to the driver at the expiry of the driver's work shift a receipt showing the amount turned over to the owner by the driver.

22. Maintain a trip record on FORM 5 hereto annexed as Appendix "E" to Schedule 2 or a reasonable facsimile thereof of every trip, for a period of not less than three months or for such longer period as may otherwise be specified by the City by notice in writing, upon which each of the taxi-cabs is dispatched.

23. Permit the City or any person authorized by the City to remove the records referred to in regulation 22 for the purpose of inspection.

PART 3

Limited Interest Agreements

13.(1) Notwithstanding any provision of this Schedule, a plate owner may continue to hold a licence issued to that person as owner of a taxi-cab.

(2) A plate owner may enter into a limited interest agreement for use of the vehicle as a taxi-cab.

(3) No agreement except a limited interest agreement shall establish the eligibility of a plate user for a limited interest owner's licence.

(4) No plate owner shall transfer directly or indirectly or purport to transfer any limited interest in a taxi-cab owners licence to any person other than a plate user.

(5) No plate user shall transfer the whole or any part of a limited interest owner's licence to any other person and any such direct or indirect transfer is null and void.

14.(1) Every person who seeks to be a plate user shall complete the limited interest agreement on FORM 4 hereto annexed as Appendix "D" to Schedule 2, along with the plate owner.

(2) No more than two limited interest agreement shall be entered into by a plate owner in respect of the licence issued to the plate owner and any transfer of more than two limited interest agreement in the licence is null and void.

(3) Every limited interest agreement shall be filed with the Issuer of Licences prior to any transfer or rights to the plates and at least seven days before the date on which the limited interest agreement comes into force, whichever is first.

(4) No application for a limited interest owner's licence shall be accepted unless the limited interest agreement on FORM 4 hereto annexed as Appendix "D" is fully completed and duly executed and witnessed.

(5) Where a limited interest agreement referred to in Section 13(2) is for a period in excess of one year, the plate user shall file with the City within seven days of the date on which the yearly period ends,

(a) a notice in writing satisfactory to the Issuer of Licences that the agreement is in full force and effect and has not been revised, amended, altered or changed in any way; or

(b) a copy of the revised, amended, altered or changed agreement.

15. Every limited interest agreement shall include the following information set out in a manner and in a form satisfactory to the Issuer of Licences:

1. The name and business address of the plate owner and plate user.

2. The make, model, serial number, year of taxi-cab and full description of all equipment appurtenant thereto and serial numbers, if any.

3. The motor vehicle permit plate number issued under The Highway Traffic Act.
 4. The City of Hamilton taxi-cab licence number and year.
 5. The date on which the plate owner was issued the licence proposed to be the subject of the limited interest agreement.
 6. That the plate user is the sole owner in his or her right of the taxi-cab.
 7. The plate user is the holder of a current motor vehicle permit issued under The Highway Traffic Act.
 8. Full particulars of all consideration given by each party to the limited interest agreement, in money or in any other kind, direct or indirect including fees or rental, and a breakdown of all other amounts given by the plate user to the plate owner, together with a list of all services, rights or other consideration given to the plate user by the plate owner in return therefor.
 9. Full particulars as to the responsibility of each of the parties for the maintenance, repairs, gas and oil for the taxi-cab, and any requirements as to where and how such maintenance, repairs or purchases are to be made and as to payment therefor.
 10. A term to the effect that where the plate user transfers or purports to transfer the limited interest, that the limited interest agreement is immediately terminated on a date fixed by the plate owner.
 11. Date of termination of the limited interest agreement and in the case of a periodic limited interest agreement, particulars as to whether the agreement is on a daily, weekly, monthly, yearly or other basis.
 12. Date on which the limited interest agreement comes into force and date of execution by the parties and date the agreement is witnessed.
16. The amount of consideration in the limited interest agreement upon approval by the Licensing Committee shall be deemed to be full and fair, and no additional consideration shall be required, directly or indirectly, from the plate user.
- 17.(1) Every limited interest agreement and every written agreement referred to in Section 14(5), shall expire upon the sale or other disposition of the taxi-cab by the plate user.
- (2) A limited interest licence taken out by a taxi-cab owner shall expire on the date the plate user ceases using the vehicle as a taxi-cab or otherwise transfers ownership in the vehicle to another person.
- (3) When a limited interest agreement is for a term of more than seven days, the limited interest agreement may be terminated upon seven days notice in writing to the other party and to the City.
- (4) Every plate owner and every plate user shall notify the Issuer of Licences in writing, of the expiration or termination of the limited interest agreement not later than seven days after the date of expiration or termination and include in the notice the following information:
1. The proposed use of the taxi-cab, if any.
 2. The name and address of any other proposed plate user of the taxi-cab.
 3. The identify of the person having custody and control of the taxi-cab after the date of expiration or termination.

PART 4

Taxi-cab Drivers

18. Every taxi-cab driver shall comply with the following regulations:
1. Not drive a taxi-cab unless a valid taxi-cab driver's licence has been issued to him or her.
 2. Operate a taxi-cab only if the taxi-cab is,
 - (a) in clean condition as to its interior and exterior;
 - (b) in good repair as to its interior and exterior;
 - (c) dry as to its interior;
 - (d) free from mechanical defects;
 - (e) in fit condition for the purpose for which the vehicle is used; and
 - (f) in safe driving condition.
 3. Examine the taxi-cab for any defects,
 - (a) immediately before the taxi-cab is to be driven for a shift; and
 - (b) immediately after the taxi-cab has been driven during a shift.
 4. Not drive a taxi-cab unless the taxi licence plate issued by the City is affixed, as required by this Schedule, to the taxi-cab for which it was issued.
 5. Subject to Part 5, not drive a spare vehicle as a taxi-cab without a taxi licence plate affixed to it in a manner and location approved by the City.
 6. Carry his or her taxi-cab driver's licence with him or her at all times while operating the taxi-cab.
 7. Immediately produce for inspection, the taxi-cab driver's licence and the Province of Ontario driver's licence upon request to do so by a by-law enforcement officer or police officer.
 8. Operate only from a public taxi-cab stand, where the taxi-cab is a public taxi-cab.
 9. Not drive a taxi-cab with luggage or other material piled or placed in a manner that obstructs the view of the taxi-cab driver.
 10. Not carry in a taxi-cab used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such taxi-cab, inclusive of the driver.
 11. Affix and maintain affixed when driving a taxi-cab a photo identity card in a place in the taxi-cab approved by the Licensing Committee and in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.
 12. Not drive a taxi-cab unless an illuminated sign as required by this Schedule, is displayed on the roof.

13. Not drive a taxi-cab unless the City's current licence number is displayed as required by this Schedule.
14. Not drive the taxi-cab unless the taxi-meter is installed and in proper working condition and is illuminated and sealed.
15. Not wash or clean the taxi-cab while upon a public taxi-cab stand.
16. Not make repairs to the taxi-cab while upon a public taxi-cab stand unless the repairs are immediately required to render the taxi-cab operable.
17. While in charge of a taxi-cab,
 - (a) maintain his or her person in a neat and clean appearance; and
 - (b) be civil, well-behaved and polite in manner.
18. While in charge of a taxi-cab at a public taxi-cab stand,
 - (a) stand or sit sufficiently close to the taxi-cab so as to have it under constant close observation;
 - (b) not obstruct the use of the sidewalk; and
 - (c) not make any loud noise or disturbance.
19. Not induce any person to employ the taxi-cab,
 - (a) by knowingly misleading or deceiving such person as to the location or distance of any place; or
 - (b) by making any false representation to such person.
20. Not take on any additional passengers after the taxi-cab has departed with one or more passengers from a starting point except where,
 - (a) the taxi-cab is being used for the transportation of students to or from school,
 - (b) the taxi-cab driver has obtained the voluntary consent of the passengers already in the taxi-cab, or
 - (c) an emergency condition exists and has been declared such by the Chief of Police.
21. Not refuse to serve the first person requesting service of the taxi-cab, except where the person,
 - (a) owes the taxi-cab driver for a previous fare or service;
 - (b) refuses to disclose his or her final destination before or immediately after entering the taxi-cab;
 - (c) asks to be driven to any place that the taxi-cab driver considers on reasonable grounds to be unsafe;

(d) is obnoxious or abusive, or acts or uses language in a manner which reasonably leads the taxi-cab driver to anticipate,

- (i) obnoxious behaviour,
- (ii) refusal to pay all or part of the fare, or
- (iii) physical injury to the taxi-cab driver or the taxi-cab.

22. Not refuse to serve any person other than the first person requesting service of the taxi-cab, except where the taxi-cab driver,

- (a) has previously arranged for an engagement, and
- (b) upon demand by a Licence Inspector or a Police Constable, gives the name and address of the person by whom he is so engaged and the time and place of such engagement.

23. Immediately record, as the taxi-cab driver, the reason for not serving any person requesting service of the taxi-cab.

24. Keep a daily record, called a "trip record", on FORM 5 hereto annexed as Appendix "E" to Schedule 2 to record all trips made by the taxi-cab.

25. Record the following information in the trip record of a taxi-cab:

- (a) the Provincial permit number of the taxi-cab,
- (b) the name, address and identification number of the driver of the taxi-cab;
- (c) the meter reading of the taxi-cab at,
 - (i) the start of each working period, and
 - (ii) the finish of each working period.
- (d) the date, time and location of the beginning and termination of each trip;
- (e) the amount of fare collected for each trip.

26. Record the information required by regulation 25(a), (b) and (c)(i), prior to the commencement of every shift.

27. Record the information required by regulation 25(d) and (e) immediately following the conclusion of every trip and prior to the commencement of the next following trip.

28. While carrying passengers, charge only the exact rate of fare in accordance with PART 11 except where,

- (a) the driver and passenger agree before the start of the trip,
 - (i) to an hourly rate; or
 - (ii) to a flat rate where the trip extends more than five kilometres beyond the City limits;
- (b) the taxi-cab is used for the transportation of students to and from school; or

- (c) there is a prior contractual agreement to carry parcels or goods.
29. Not publish or use a tariff card other than the tariff card supplied by the City.
30. Charge or collect only one fare, calculated in accordance with Part 11, even when transporting two or more passengers.
- 30a. Paragraph 30 above shall not prevent the collection of the fare calculated in accordance with Part 11 in proportions from passengers where they have agreed amongst themselves to split the costs of the trip.
31. Place the taxi-meter in a recording position only when a passenger first enters the taxi-cab, or while waiting for a passenger who has previously engaged a taxi-cab.
32. Place the taxi-meter in a non-recording position when,
- (a) the passenger discharges the taxi-cab; or
 - (b) the taxi-cab arrives at its destination for the purpose of discharging the passenger.
33. While conveying passengers, keep and maintain the taxi-meter in a recording position throughout a trip within the city limits and within five kilometres therefrom.
34. Take the shortest possible route to the destination specified by the passenger unless the passenger specifies another route.
35. Not charge a passenger for any fare for a trip,
- (a) in a taxi-cab during any time the taxi-meter is not in a recording position; or
 - (b) where the taxi-cab driver refuses to show the tariff card to the passenger.
36. Not make any charge for time lost for any of the following reasons:
- (a) Defect in the taxi-cab.
 - (b) Inefficiency or disrepair of the taxi-cab.
 - (c) Incompetence of the driver of the taxi-cab.
 - (d) Time consumed by arrival of the taxi-cab in response to a call in advance of the time such has been requested by the person calling for the taxi-cab.
37. Give a passenger a receipt showing the names of the passenger and the taxi-cab driver, and including his or her identification number, taxi-cab number, place of engagement and destination or place where the passenger exits from the taxi-cab,
- (a) upon request by the passenger; or
 - (b) where there is a dispute with a passenger over the fare.
38. Immediately upon termination of any hiring or other engagement,
- (a) search the taxi-cab for any property lost or left therein; and
 - (b) deliver any lost or left property over to the owner of same; or

(c) deliver the lost or left property to the taxi-cab broker; or

(d) where the owner cannot be found, deliver the lost or left property to the licence authority with any and all relevant information concerning the property.

39. Upon entering a taxi-cab stand, take the taxi-cab into position at the end of the line formed by taxi-cabs already on the taxi-cab stand.

40. Not permit, while in charge of a taxi-cab, any person other than the owner or an employee of the owner of the taxi-cab, to drive the taxi-cab.

41. At the conclusion of every trip,

(a) call the passenger's attention to the fare registered on the taxi-meter of a taxi-cab; and

(b) place the taxi-meter in the taxi-cab in a non-recording position.

42. Immediately report to the owner of the taxi-cab,

(a) any defect of which the taxi-cab driver is or becomes aware;

(b) any accident in which the taxi-cab driver was involved while operating the taxi-cab;

(c) any enforcement tickets or summons issued to the taxi-cab driver by an enforcement officer for violations occurring during that shift.

43. At the expiry of every work shift or work period, turn over to the employer of the taxi-cab driver,

(a) all monies received by the taxi-cab driver as fares, but not including any amount due to the driver as commission where previously agreed by the employer,

(b) the trip record no later than one hour after the end of his shift;

(c) any taxi-cab used by the taxi-cab driver during the shift or work period.

PART 5

Spare Vehicles

19.(1) The owner of one or more spare vehicles may, with approval of the City, register the vehicles with the City for use as a spare vehicle.

(2) Every taxi-cab owner of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the following regulations:

1. Affix to both sides of the exterior of every spare vehicle a number, in sequence designated by the City, which is,

(a) not less than six inches in height; and

(b) in contrasting colours to the colour of the vehicle; and

(c) affixed in a location approved by the City.

2. Affix the taxi plate issued by the city in respect of the taxi-cab being replaced to the spare vehicle in a manner and location approved by the City.

3. Comply with all other provisions of this Schedule applicable to a taxi-cab owner.

(3) Every driver of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxi-cab driver.

PART 6

Priority List

Definition

20. The "Taxi-cab Priority List", means the list of names, addresses and dates of entry originally adopted by Council on July 25, 1989, as amended and as may be amended from time to time.

Priority Only

21. The use of the Taxi-Cab Priority List is as a list of persons currently interested in taxi owner's licences and shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, and its use shall be for the order of priority of persons entered on the list only.

Closure of List

22. No names shall be added to the Taxi-cab Priority List, subject to the powers of the Issuer of Licences under this by-law and the powers of Council, and the Issuer of Licences shall not receive or process applications for entry to the list.

Renewal

23.(1) Individuals whose names are on the Taxi-cab Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Issuer of Licences at the Offices of Building Department, to confirm as accurate or amend the details of the entry.

(2) The Issuer of Licences may receive and process all renewals and fees from individuals for the Taxi-cab Priority List, note any changes, and submit an amended list to the Licensing Committee for approval.

(3) An individual who fails to renew their entry on or before September 30, shall file with the Issuer of Licences at the Offices of the Building Department, a \$100.00 late filing fee and attending before the Issuer of Licences at the Offices of the Building Department, to confirm as accurate or amend the details of the entry on or before December 31 of that same year, so as to have their entry maintained on the list at the prior position.

(4) Where an individual fails to meet the requirements of this section for renewal, the Issuer of Licences shall delete their name from the Taxi-cab Priority List.

Issuance of Taxi Owner's Licences

24.(1) When Council gives approval for the issuance of additional taxi owner's licences, the Issuer of Licences shall advise the Licensing Committee of the numbers of licences to be issued.

(2) The Issuer of Licences may then send notices to individuals on the Taxi-cab Priority List in number felt sufficient to complete the issuance of available taxi owner's licences, and arrange for hearings to be held on applications.

25.(1) An individual who is entered on the Taxi-cab Priority List, after being notified by the Issuer of Licences under section 24, shall submit an application in compliance with the following:

1. The applicant shall file with the Issuer of Licences within 14 days of the date of notice by the Issuer of Licences and prior to consideration of the application by the Licensing Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Appendix "B" to Schedule 2 that he or she has actually engaged in operating a taxi-cab full-time in the City as,

- (i) a taxi-cab owner,
- (ii) a licensed taxi-cab driver,
- (iii) a taxi-cab dispatcher, or
- (iv) a taxi-cab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee:

- 1. a certified copy of record of employment,
- 2. statements of insurable earnings as issued by the Unemployment Insurance Commission,
- 3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,
- 4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,
- 5. original trip records, or
- 6. such other or equivalent documentation as the Licensing Committee may accept.

(2)(a) In the case of a taxi-cab driver, for the purposes of subsection 25(1)1.(a)(ii),

- (i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;
- (ii) "shift" shall mean a period of not less than 12 consecutive hours; and

(b) in the case of a taxi-cab dispatcher or telephone service operator, for the purposes of subsection 25(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Upon issuance or denial of a taxi owner's licence to an individual under this by-law, the Issuer of Licences shall delete the individuals name from the Taxi-cab Priority List.

(4) The Issuer of Licences shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with paragraphs 3 and 5 of section 12 of this Schedule.

(5) Notwithstanding the provisions of this part, Council may,

(a) delete names of individuals from the Taxi-cab Priority List, or

(b) add names of individuals to the Taxi-cab Priority List in order of date of application.

26.(1) Notwithstanding Section 25, where an applicant under Section 25 is unable to meet the requirements of Subsection (1) of that section for medical reasons only, the applicant may file in lieu thereof a statutory declaration that he or she has actually engaged in operating a taxi-cab full time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

(2)(a) Where an applicant elects to file a declaration under Subsection (1), on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice.

(b) In addition to the requirements of Subsection (2)(a), an applicant under Subsection (1) shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and The Regional Municipality of Hamilton-Wentworth Human Resources Department.

(3) Nothing in this Section shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.

(4) Where an applicant under this section fails to meet the requirements of this Section or the requirements of Section 25, as the case may be, his or her name shall be deleted from the Taxi-Cab Priority List and no licence shall be issued to that applicant.

27. Where an applicant is not the holder of a licence as a taxi-cab owner under this Schedule, a licence issued to the applicant from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the licence from the Priority List to the applicant.

28. Where the applicant is the holder of one or more licences as a taxi-cab owner under this Schedule, and one or more additional owner's licences are subsequently issued to the applicant from the Priority List, any previously issued owner's licence including the owner's licence issued from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the most recent licence from the Priority List, unless the most recently issued licence from the Priority List is surrendered to the Issuer of Licences for cancellation.

PART 7

Passengers

29. No person employing a taxi-cab shall refuse, upon demand, to pay the fare or charge authorized by this Schedule.

PART 8

Soliciting Business

30. No owner or driver of a taxi-cab shall loiter or solicit business in any street, alley or other public place, except when,

- (a) waiting for a person who has engaged him or her; or
- (b) parking in a designated public taxi-cab stand; or
- (c) parking in an signed area where parking is permitted for motor vehicles under City of Hamilton Traffic By-laws.

PART 9

Promotional Schemes

31. No taxi-cab broker, taxi-cab owner or taxi-cab driver shall participate or acquiesce in any promotional scheme whose object or goal is to directly or indirectly subsidize the rates or fares prescribed in this Schedule, without the written consent of the Licensing Committee.

PART 10

Taxi-cab Brokers

32.(1) Every taxi-cab broker shall comply with the following regulations:

- 1. Provide and maintain a business office in the City for the carrying on of his business.
- 2. Keep and maintain the business office in an orderly, clean and neat condition free at all times from debris and waste of any kind.
- 3. Keep and maintain the business office free at all times from drivers or other persons not immediately engaged in any business or whose presence may disrupt the orderly carrying on of business.
- 4. Provide and maintain communication facilities necessary to receive and transmit requests for taxi-cab service in proper working order.
- 5. Provide and maintain off-street parking for every taxi-cab that is available to respond to calls.

6. Furnish a list in writing to the Issuer of Licences,

- (i) of taxi-cab owners from whom he or she proposes to accept calls, and
- (ii) of any changes on the list within two days of the change.

7. Accept calls for only those owners whose name appears on the list referred to in Regulation 6.

8. Keep and maintain a trip record on FORM 5 hereto annexed as Appendix "E" to Schedule 2, or a reasonable facsimile thereof, showing the number of the owner's licence which covers the taxi-cab used, the date and time of dispatch, and the point of beginning of each trip, for a period of six months from the date of the first trip of the record.

9. Make the trip record required by regulation 8 available for inspection by the Chief Licence Inspector or a Licence Inspector.

10. Notify the Issuer of Licences in writing at the beginning of each calendar year of the names of persons authorized to sign driver application forms on behalf of the taxi-cab broker.

11. Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to taxi-cab drivers or owners operating from the brokerage.

(2) No taxi-cab broker shall dispatch a call for the conveyance of passengers for hire to a driver of a limousine licensed under Schedule 3.

PART 11

Rates or Fares To Be Charged

33. A taxi-cab owner or taxi-cab driver shall charge for the conveyance of passengers, not including goods and services tax, either wholly within the City or to any point not more than five kilometres beyond its limit, only the rates or fares as follows:

1. Under agreement with the passenger,

- (i) for each hour. \$30.00;

2. For one or more passengers,

- (i) for the first 1/10 of a kilometre or part thereof \$ 2.00;

- (ii) for each additional 1/10 of a kilometre or part thereof \$ 0.10;

- (iii) for waiting after engagement, for each 20 seconds or part thereof after the first 20 seconds \$ 0.10;

- (iv) notwithstanding subparagraphs (i), (ii) and (iii), for each engagement, a minimum charge of \$ 2.00;

- (v) for loading and unloading groceries, luggage or other goods and chattels, for each 20 seconds or part thereof calculated after the first 20 seconds from the time the meter is turned on,

- (a) at the commencement of the loading until completion
of the loading \$ 0.10;
- (b) at the commencement of the unloading until
completion of the unloading \$ 0.10.

34. A meter may be so designed and adjusted that the fare shall be computed for time as well as distance, not including the goods and services tax, at 10 cents for each 20 seconds as above indicated, from the time or place when the passenger entered the taxi-cab, or from the first 20 seconds of waiting for the passenger as above indicated to the time or place at which the passenger discharged the cab, and the time for which the fare is chargeable shall include all unavoidable delays or stops.

35.(1) The meter in a taxi-cab may be so adjusted, that goods and services tax is added to the total fare chargeable for a trip calculated under this part and mathematically rounded to the nearest tenth of a dollar, but calculation of the fare shall commence with a charge of \$2.15 including the said tax for either the minimum charge as set out in paragraph (iv) of subsection 2 of section 33, or for the first tenth of a kilometre or part thereof, as set out in paragraph (ii) of subsection 2 of section 33, as may be applicable to the trip.

(2) For the purpose of this Schedule, "goods and services tax" shall mean the tax imposed by Goods and Services Tax Legislation on taxi fares at the rate so imposed from time to time.

36.(1) Rates or fares mentioned in Section 33 shall be reduced by 10% for persons issued an Ontario Senior Citizens Privilege Card issued by the Provincial Ministry of Community and Social Services, where all passengers travelling in a taxi-cab are holders of said card.

(2) Every reduction in rates or fares referred to in subsection (1), shall be calculated to the highest full dollar registered on the taxi-meter or the minimum charge referred to in subparagraph (iv) of paragraph 2 of Section 33, whichever is higher.

37. Appendixes A , B, C, D and E, being respectively Forms 1 through 5, are included in Schedule 22 of this by-law and form part of this Schedule.

SCHEDULE 3

LIMOUSINES

1. In this Schedule,

- (a) "City" means the City of Hamilton;
- (b) "driver's licence" means a licence issued to a limousine driver under this Schedule, and "licensed driver" has a corresponding meaning;
- (c) "limousine" means a vehicle for hire for the transportation of passengers, at a flat rate by agreement, that does not contain a taxi-meter;
- (d) "limousine driver" means a person who is licensed under this Schedule to drive a limousine;
- (e) "limousine owner" means a person who is the owner of a limousine;
- (f) "owner" includes the owner of a limousine or a purchaser of a limousine, under contract, agreement, understanding or arrangement;
- (g) "owner's licence" means a licence taken out by a limousine owner authorizing the use of the vehicle as a limousine.

PART 1

Administration

2.(1)(a) Every person who is and carries on business as;

- (i) a limousine owner, or
- (ii) a limousine driver

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a limousine.

(b) Subsection (1)(a)(ii) shall not apply to a limousine driver who holds a current and valid taxi-cab driver's licence duly issued by the City.

(2) No person shall carry on or engage in the trade, calling or business of conveying passengers for hire in a limousine without the vehicle and driver having the licences required in (1).

(3) Where a person is required to obtain a licence under Subsection (1),

- (a) a separate licence certificate shall be issued for each licence applied for; and
- (b) a separate licence certificate shall be issued for each limousine.

(4) Every licence certificate issued to a limousine owner shall clearly identify,

- (a) the one vehicle in respect of which the licence was issued; and
- (b) the term of the licence, including its expiry date.

(5) Every licence certificate issued to a limousine driver shall clearly identify the term of the licence, including its expiry date.

3.(1) Every vehicle licensed under this section shall be operational and functional within 30 days of the issuance of the licence.

(2) No limousine shall display a roof sign bearing the words "taxi-cab", "taxi", or "cab".

4. No limousine licence shall be transferable.

5.(1) Subject to other compliance with this Schedule and By-law, a limousine licence shall be issued to an applicant for a limousine owner's licence where,

(i) the limousine seats not less than 6 and not more than 9 passengers, including the driver;

(ii) the limousine has a wheel base of not less than 110 inches.

(2) Every limousine owner and every limousine driver licensed to operate a limousine shall charge a fare of not less than,

(i) \$60.00 for every hour or part thereof; or

(ii) \$110.00 per diem.

6.(1) Every applicant for an owner's licence or a renewal thereof and every applicant for a driver's licence or a renewal thereof, except where the applicant is the holder of a current and valid licence issued to a taxi-cab driver under Schedule 2, shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative.

(2) Where a limousine is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant who is a limousine owner shall fully complete an application on the standard licence application form for the City of Hamilton.

(4) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 2, every applicant who is a limousine driver shall fully complete an application in FORM 2 annexed hereto as Appendix "A" to Schedule 3.

(5) Every applicant for licence as a limousine driver shall, in addition to other information required under this by-law, with his application and renewal of application, provide for inspection by the Issuer of Licences, a Class "G" licence issued under The Highway Traffic Act.

(6) Every application for renewal of a limousine owner's licence shall be accompanied by a completed trip record, as required under regulation 19 of Section 12, for the current year during which the limousine licence is in full force and effect.

(7) Failure to comply with the requirements of subsection (6) may cause the application for renewal to be denied.

7.(1) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 2, every applicant for a driver's licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of,

- (a) the operation of the limousine, and of this By-law, as amended, as it relates to taxi-cabs and limousines;
- (b) the laws and regulations pertaining to traffic and motor vehicles;
- (c) the relationship between taxi-cab drivers and limousine drivers with respect to passengers including duties, behaviours, appearance, decorum;
- (d) the use of the equipment part of taxi-cabs including two-way radio, taxi-meter, roof lights;
- (e) the use of trip sheets, making damage reports and record keeping; and
- (f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless;

- (a) the applicant achieves not less than 70% on each test required to be undertaken; and
- (b) the applicant has a photo identification taken by the City.

8.(1) Before a licence is issued, the limousine owner or limousine driver shall, if required by the City, provide a medical certificate in a form supplied by the City signed by a duly qualified medical practitioner in the Province of Ontario, certifying that the owner or driver of the limousine is physically and mentally fit to drive a limousine.

(2) Every limousine owner and every limousine driver shall provide a certificate of the Medical Officer of Health for The Regional Municipality of Hamilton-Wentworth, as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

9. Every limousine owner and every limousine driver shall be at least eighteen years of age.

10. Every limousine owner and every limousine driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for the changes of address to be entered.

11. No licensee who is the holder of a licence as a limousine owner shall enter into any written agreement or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the limousine for which the licence was issued, by any other person who is not a licensed limousine driver.

PART 2

Limousine Owners

12. Every limousine owner shall comply with the following regulations:

1. Before acting as a driver of a limousine owned by him,
 - (a) comply with all the requirements for the issuance of a limousine driver's licence except payment of a licence fee for a driver's licence; and
 - (b) obtain the approval of Council.

2. Before issuance of an owner's licence provide the City, in writing, with the following information in respect of every vehicle to be used as a limousine,
 - (a) clear identification of the vehicle, including the make and serial number,
 - (b) certificate of ownership,
 - (c) certificate of insurance,
 - (d) Safety Standard Certificate as issued by the Ministry of Transportation, and
 - (e) such other particulars as the City may request.

3. For each limousine for which the owner holds a licence, and before use of the limousine,
 - (a) obtain a policy of insurance in respect of the limousine in an amount not less than \$500,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;
 - (b) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than \$500,000, exclusive of interest and costs;
 - (c) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and
 - (d) deposit a certified true copy of the policy of insurance and all endorsements with the City.

4. Maintain the policy of insurance, referred to in regulation 3 of this section, in force and effect during the entire period for which the licence is issued and in force and effect.

5. Use or permit to be used a limousine only where prior to its use;
 - (a) the owner has produced a registration issued under The Highway Traffic Act, in respect of the class of motor vehicle to be used as a limousine;
 - (b) the City has been informed of any changes in the motor vehicle registration; and
 - (c) the owner has submitted the motor vehicle to the City for approval and has obtained authorization for the vehicle to be used.

6. Subject to The Highway Traffic Act, not use or permit to be used any limousine that does not have affixed to the vehicle;

(a) a City of Hamilton licence plate having an identity number and clear indication that the limousine is licensed for use as a limousine; or

(b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a limousine where the original licence plate has been lost, defaced or destroyed.

7. Affix to the back of each limousine in a manner and in a position approved by the City any limousine licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

8. Cause a limousine to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

9. Make such improvements or repairs to the limousine, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licensing Committee.

10. Immediately check for mechanical defects in the limousine reported by a driver.

11. Not operate or permit to be operated as a limousine any vehicle not in good mechanical condition.

12. Not operate or permit to be operated as a limousine any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licensing Committee.

13. Not employ or permit any person other than a licensed limousine driver or licensed taxi-cab driver employed by the limousine owner to operate his or her limousine.

14. Not use the limousine for the separate carrying of parcels, letters, documents, goods or chattels.

15. Provide to the Issuer of Licences at the time that the licence is issued, a Schedule of Fees to be charged in respect of the use of the vehicle and its driver.

16. Charge fees for the use of the vehicle and its driver in accordance with the Schedule of Fees referred to in regulation 15 above.

17. Ensure that a licensed limousine driver operating the owner's limousine charges fees in accordance with the Schedule of Fees referred to in regulation 15 above.

18. Notify the Issuer of Licences in writing of any proposed change in the Fee Schedule prior to invoking such change.

19. Maintain a trip record on FORM 5 hereto annexed as Appendix "B" to Schedule 3 or on any reasonable facsimile thereof, which shall be kept in the licensed limousine at all times and prepared immediately upon conclusion of every trip and which shall contain the following information:

(a) the name and address of the person hiring the limousine;

(b) the time of the commencement of the trip and the time of the conclusion of the trip;

(c) the address of the place of origin of the trip and the address of the place of final discharge of the passengers at the conclusion of the trip; and

(d) the fee charged.

20. Ensure that a driver operating the owner's vehicle maintains a trip record as required by regulation 19 above.

21. Keep all trip records referred to in regulation 19 above, for a period of at least twelve months.

22. Permit any person authorized to enforce this by-law to inspect any and all trip records on the premises or to remove any and all trip records from the premises for the purpose of inspection.

13. Every limousine driver shall comply with the following regulations:

1. Not drive a limousine unless a valid limousine driver's licence has been issued to him or her.

2. Operate a limousine only if the limousine is,

(a) in clean condition as to its interior and exterior;

(b) in good repair as to its interior and exterior;

(c) dry as to its interior;

(d) free from mechanical defects;

(e) in fit condition for the purpose for which the vehicle is used; and

(f) in safe driving condition.

3. Examine the limousine for any defects immediately before the limousine is to be driven.

4. Not drive a limousine unless the limousine plate issued by the City is affixed as required by this Schedule, to the limousine for which it was issued.

5. Carry his or her limousine driver's licence with him or her at all times while operating the limousine.

6. Immediately produce for inspection, the limousine driver's licence and the Province of Ontario driver's licence, upon request to do so by a licence inspector or police officer.

7. Not drive a limousine with luggage or other material piled or placed in a manner that obstructs the view of the limousine driver.

8. Not carry in a limousine used for hire a greater number of occupants or persons than the manufacturer's rated seating capacity for that vehicle, inclusive of driver.

9. Affix and maintain affixed when driving a limousine, a photo identity card in a place in the limousine approved by the Licensing Committee in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.

10. Not drive a limousine unless the City's current limousine licence number is displayed as required by this Schedule.
11. Not make repairs to the limousine while upon a public street unless the repairs are immediately required to render the limousine operable.
12. While in charge of a limousine,
 - (a) maintain his person in a neat and clean appearance; and
 - (b) be civil, well-behaved and polite in manner.
13. Immediately upon termination of any hiring or other engagement of the limousine,
 - (a) search the limousine for any property lost or left therein; and
 - (b) deliver any lost or left property over to the owner of same; or
 - (c) where the owner cannot be found, deliver the lost or left property to the licence authority along with any and all relevant information concerning the property.
14. Not permit, while in charge of a limousine, any person other than the owner or an employee of the owner of the limousine to drive the limousine.
15. Immediately report to the owner of the limousine,
 - (a) any defect of which the limousine driver is or becomes aware;
 - (b) any accident in which the limousine driver was involved while operating the limousine;
 - (c) any enforcement tickets or summons issued to the limousine driver by an enforcement officer for violations occurring while operating the limousine.
16. Charge fees in accordance with the Schedule of Fees provided to the Licensing Committee by the owner of the limousine under regulation 15 of Section 12.
17. Maintain a trip record in accordance with regulation 19 of Section 12.
14. No person, including the driver, shall smoke a cigarette, cigar, pipe or any tobacco-using devices without the consent of the occupants of the limousine.
15. No owner, driver or other person shall use or cause to be used or arrange for the use of, directly, indirectly at any time by agreement or understanding or otherwise a limousine in substitution for a taxi-cab.
16. Appendixes A and B are included in Schedule 22 and form part of this Schedule.

SCHEDULE 4

EATING ESTABLISHMENTS

Interpretation

1. In this Schedule,

(a) "eating establishment" means a building or premises where food is prepared or offered for sale to the public, to be consumed either on the premises or elsewhere, with the following types or classes:

(i) "restaurant", which means an eating establishment where food is prepared on the premises and which has seating accommodation for more than fifteen persons;

(ii) "lunch counter", which means an eating establishment which has seating accommodation for not more than fifteen persons;

(iii) "refreshment stand", which means an eating establishment where only food already prepared for immediate consumption by the public without cooking, is served;

(iv) "drive-in restaurant", which means any eating establishment where carry-out service to patrons in motor vehicles is provided; and

(v) "restaurant, take out", means an eating establishment where food is prepared and offered for sale to be consumed elsewhere, and which does not provide seating accommodation.

Licence Required

2. No person shall, in the City of Hamilton, carry on any business of an eating establishment, without a licence under this by-law, entitling the person so to do.

Provided that the keeper of a hotel, within the meaning of section 216 of the Municipal Act, R.S.O. 1990 c. M-45, shall not be required to hold an eating establishment licence to provide non-intoxicating drinks and beverages, or conduct an eating establishment, in that behalf.

Duties Of Operator

3. Every person carrying on the business of an eating establishment shall be responsible, that the premises are kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and kept suitably lighted and ventilated.

SCHEDULE 5

FOOD SHOPS

Interpretation

1. In this Schedule,

(a) "food shop" means a place where food stuffs, intended for human consumption are made for sale, offered for sale, stored or sold.

Licence Required

2.(1) Subject to (2), no person shall, in the City of Hamilton, carry on the business of a food shop, without a licence under this by-law, entitling him so to do.

(2) A person who holds a current and valid licence under Schedule 1 (Retail Butchers and Fishmongers), Schedule 4 (Eating Establishment), or Schedule 9 (Refreshment Vehicle) in respect of a shop, establishment or vehicle shall not be required to obtain a food shop licence in respect of the shop, establishment or vehicle already licensed.

SCHEDULE 6

TOW-TRUCKS

Definitions

1. For the purposes of this Schedule, the following definitions apply:

(a) "highway" means a highway as defined in the Municipal Act, but does not include a King's Highway as defined in the Highway Traffic Act, or a road, street, bridge or highway laid out but not assumed for public use or established by by-law, whether built by a private person or body corporate.

(b) "Highway Traffic Act" shall be deemed to be a reference to the Highway Traffic Act, R.S.O. 1980, c. 198.

(c) "Licence Holder" means a person licensed under this Schedule as an owner or driver of a tow-truck.

(d) "motor vehicle" means motor vehicle as defined in the Highway Traffic Act.

(e) "owner" of a tow-truck includes a purchaser or person entitled to operate, possess, or use the tow-truck, under a lease or conditional purchase agreement.

(f) "tow-truck" means a motor vehicle, which is designed, modified, or used, for the towing, carrying, or lifting of disabled or inoperative motor vehicles, with or without the assistance or use of lifts, winches, dollies, trailers or like equipment, and operated as such for a fee.

(g) "towing service" shall mean the provision or use of a tow-truck, the assistance of the driver, and the use of the equipment carried or available for use in conjunction with the tow-truck for the pulling, carrying or lifting of a motor vehicle, at a place located within the City of Hamilton.

Licence

2.(1) Subject to (3), every owner or driver of a tow-truck, using the tow-truck to provide towing services at the scenes of accidents, shall obtain, and maintain in good standing, a licence from the Corporation of the City of Hamilton, authorizing the carrying on or engaging in the business or occupation of offering or providing such towing services.

(2) Subject to (3), no person shall carry on, or engage in, the business or occupation of towing motor vehicles from the scenes of accidents as a tow-truck owner or driver in the City of Hamilton, without first having obtained a licence under this Schedule.

(3) For the purposes of (1) and (2) the towing of motor vehicles from accidents located outside the boundaries of the City of Hamilton, is deemed not to be a business or occupation which requires a licence under this Schedule.

3.(1) In addition to the application, an applicant for a tow-truck owner's licence, upon first application or renewal, shall provide:

(a) proof of a valid provincial drivers' licence, along with the licence number, authorizing the applicant to operate the tow-truck to be licensed, unless the owner indicates on the application that he will not personally drive the tow-truck;

(b) proof that the tow-truck is registered and licensed with the Ministry of Transportation, along with the vehicle identification number and licence number;

(c) proof that the tow-truck is insured for operation on public roadways, the name of the insurance company, policy number and date of expiry, the insurance supplying a minimum coverage of \$1,000,000.00 for third party liability, which insurance also fully compensates for loss or damage to towed motor vehicles;

(d) a current Safety Standards Certificate for the vehicle to be licensed, issued under the Highway Traffic Act; and

(e) the address of any storage yard operated by the owner, and the address of the owner's office from which the business is operated, if different from the address of the storage yard.

(2) An owner who has indicated he will be a driver of the tow-truck and who has otherwise complied with the requirements of being licensed as a driver, may be issued a tow-truck driver's licence in addition to the owner's licence without being required to pay the fee for such driver's licence.

(3) A tow-truck owner licensed under this section, shall hold such licence and rights thereunder subject to the requirement that all insurance and required provincial licences are not suspended, cancelled or otherwise revoked, and shall return the licence to the City immediately upon any such suspension, cancellation or revocation.

(4) A tow-truck owner's or driver's licence given to the City under subsection (3), shall be returned to the owner, upon the owner supplying the City with proof of reinstatement of the insurance or provincial licences, along with the particulars thereof required by subsection (1).

4.(1) In addition to the application, an applicant for a tow-truck driver's licence shall provide:

(a) where available, the full name and address of his employer;

(b) where available, the name of the owner and municipal licence number, respecting the tow-truck to be driven;

(c) proof of a valid provincial driver's licence, along with the licence number; and

(d) three recently taken passport sized photos with a head and shoulders view, clearly showing the applicant's face.

(2) A tow-truck driver licensed under this section, shall hold the licence and rights thereunder subject to the requirement that the provincial driver's licence is not suspended, cancelled or otherwise revoked, and shall return the tow-truck driver's licence to the City immediately upon any such suspension, cancellation or revocation.

(3) A tow-truck driver's licence given to the City under subsection (2), shall be returned to the driver, upon the driver supplying the City with proof of reinstatement of the provincial licence, along with the particulars thereof required by subsection (1).

Regulation

5.(1) No person shall solicit the hiring of a tow-truck or offer towing services, while that person is within 200 metres of,

(a) the scene of a motor vehicle accident or apparent accident; or

(b) a motor vehicle involved in an accident,

on a highway.

- (2) No Licence Holder shall park or stop a tow-truck on a highway within 200 metres of,
- (a) the scene of a motor vehicle accident or apparent accident; or
 - (b) a motor vehicle involved in an accident.

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, a municipal fire fighter, an officer appointed for carrying out the provisions of the Highway Traffic Act, a person engaged in highway maintenance, or a person involved in the accident.

6.(a) An owner of a tow-truck shall not permit the operation of the tow-truck within the City of Hamilton by a driver who does not have a valid and current licence issued under this Schedule.

(b) A tow-truck owner shall supply the Issuer of Licences with a current written list of all tow-truck drivers' names, addresses and telephone numbers, within seven days of obtaining a tow-truck owner's licence, and shall also supply the City with any further additions or deletions to such list.

7. While operating a tow-truck, the driver shall carry the photo identification and licence supplied by the City and shall produce such documentation on demand, to a police officer or other persons authorized to enforce by-laws of the City.

8.(1) No licensed tow-truck owner shall drive or operate any tow-truck, or permit to be driven or operated any tow-truck, without first ensuring the tow-truck has:

- (a) the licence plate issued by the City, affixed on the outside of the tow-truck and facing the rear, prominently displaying the identifying licence number, in such a manner that the number is visible from behind the truck and without obscuring the provincial licence plate;

- (b) the name of the owner, or a registered trade name, painted on the outside of each door in letters at least 5 centimetres in height, in a colour contrasting to that of the doors, so that the name is prominently displayed;

- (c) the address and telephone number of the owner, painted on the outside of each side of the body or door, in letters of at least 4 centimetres in height, in a colour contrasting to that of the body or door, so that the address and telephone number are prominently displayed; and

- (d) the municipal licence number, painted on the side of the tow-truck on the outside of each front quarter panel, in letters at least 12 centimetres in height in a colour contrasting to that of the quarter panel, so that the number is prominently displayed.

(2) A tow-truck owner, prior to driving or operating, or permitting the driving or operation of the tow-truck, shall outfit the tow-truck with the following equipment in working order, which shall be considered a minimum standard for the purposes of safe operating condition:

- (a) one 5 pound capacity, multi purpose A,B,C rated portable fire extinguisher, listed by Underwriters Laboratories of Canada, capable of functioning at -40 degrees celsius, mounted in the cab or under protective covering, and maintained in accordance with manufacturers specifications;

- (b) a flashlight, broom, shovel and heavy duty pry bar;

- (c) a reflective safety vest for the driver and any assistant;

- (d) a device for securing the steering wheel of a motor vehicle to be towed;
 - (e) two safety chains, each comprised of links of at least 5/16 of an inch of steel;
 - (f) road flares in sufficient quantity for thirty minutes of use;
 - (g) a light bar capable of being used on a towed vehicle if necessary;
 - (h) a revolving light visible from the front and rear of the tow-truck; and
 - (i) a lift, winch, dolly, trailer or like equipment for the towing, carrying, or lifting of motor vehicles, with the manufacturers or other tested ratings for weight capacity posted near the operators controls, and sufficient equipment to secure the towed vehicle to the tow-truck, trailer and dolly, and where the tow-truck is equipped with more than one device for towing, carrying or lifting motor vehicles all such equipment shall comply with the requirements of this paragraph.
- (3) A tow-truck owner shall maintain, and by regular inspection ensure, that the tow-truck is kept in safe operating condition and in compliance with the applicable standards imposed by the Highway Traffic Act, failing which the tow-truck shall be removed from service.
- (4) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to produce the tow-truck and allow it to be examined for the purposes of compliance with the requirements of subsections (1) and (2).
- (5) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to take the tow-truck to a Ministry of Transportation vehicle inspecting facility, or to an Ministry of Transportation authorized inspector, and return with a current Safety Standards Certificate or any deficiency report obtained, for the purpose of ensuring compliance with the applicable requirements of subsections (1), (2) and (3).

SCHEDULE 7

PEDLARS

Interpretation

1. In this Schedule,

(a) "pedlar" means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

Licence Required

2. No person shall carry on business as a pedlar without a licence under this by-law, entitling him so to do.

Licence Plate

3. Every pedlar while using a vehicle in his business shall keep affixed thereto, on the right-hand side thereof in such a manner as always to be readily visible from that side, the current licence plate for said vehicle, and no other licence plate on that side.

Miscellaneous Requirements

4. No pedlar shall,

- (a) hold any show or entertainment in any street or public place;
- (b) place or maintain any stand, stall or booth in any street or other public place;
- (c) use in his business any horse or other animal not in sound condition and well-cared for; or
- (d) being the holder of a pedlar's licence, allow any other person to use his licence certificate.

SCHEDULE 8

PUBLIC HALLS AND PLACES OF AMUSEMENT

Licence Required

1.(a) "amusement machine" means a machine, device or contrivance activated by mechanical or other action or any other means by the user thereof with a view to achieving a desirable result through skill or chance or a combination of both, in terms of points, score, measurement of any other characteristic of the machine, device or contrivance but does not include a pinball machine;

(b) "amusement machine parlour" means a premises or place on a premises where four or more amusement machines are kept for the amusement of the users thereof;

(c) "billiard parlour" means a premises or place on a premises on which there is one or more billiard tables or pool tables for hire or gain;

(d) "bingo parlour" means a premises or place on a premises used as a public hall for the assembly of persons playing bingo;

(e) "pinball machine" means a machine in which a ball, object, thing, or image, or symbol or sign becomes mobile or otherwise active or visible upon being activated or called into existence or use by mechanical or other action or any other means so as to mechanically or otherwise project the ball, object, thing, or image, or symbol or sign through skill or part skill and part chance of the user thereof, upon or under a surface, or on a screen or other viewing surface within a full or part enclosure or not within an enclosure, with a view to achieving a desirable result in terms of points, score, measurement or any other characteristic of the machine, device or contrivance;

(f) "pinball machine parlour" means a premises or place on a premises where four or more pinball machines are kept for the amusement of the users thereof;

(g) "place of amusement" includes a bingo-parlour, pinball parlour, amusement machine parlour and all other places of amusement;

(h) "proprietary club" means all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club; and

(i) "public hall" means premises or a part thereof, including a portable building or tent, used as a place of assembly which is operated as a business, where members of the public gather for the purpose of any meeting, dancing or entertainment, but does not include premises used solely for religious purposes or a theatre within the meaning of the Theatres Act, R.S.O. 1990, c. T-6, as amended.

2. No person shall for profit or gain and no proprietary club shall, directly or indirectly keep;

(a) or have in his or its possession or on his or its premises any billiard, pool or bagatelle table;

(b) or have any billiard, pool or bagatelle table whether used or not, in a house or place of public entertainment or resort;

without separate licences entitling him or it to do so.

3.(1) Except as provided in section 5, no person shall carry on or operate;

(a) an exhibition held for hire or gain; or

- (b) a theatre; or
- (c) a music hall; or
- (d) a bowling alley; or
- (e) a moving picture show; or
- (f) a public hall; or
- (g) any place of amusement,

without a separate licence entitling him to do so for each of the trades, callings, businesses or occupations mentioned in clauses (a), (b), (c), (d), (e) and (f), and as mentioned in clause (g) in accordance with subsection (2).

(2) Every person who operates a place of amusement shall take out a separate licence for each of the following trades, callings, businesses or occupations:

1. A bingo parlour.
2. A pinball parlour.
3. An amusement machine parlour.
4. Any other place of amusement.

4.(1) No person shall carry on or operate:

- (a) an exhibition of waxworks; or
- (b) a menagerie; or
- (c) circus-riding; or
- (d) any other like shows usually exhibited by showmen including a carnival;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations mentioned in clauses (a), (b) and (c) and for each like show usually exhibited by showmen and for a carnival as mentioned in clause (d).

(2) No person shall carry on or operate a roller skating rink or other places of like amusement without a separate licence entitling him to do so for:

- (a) a roller skating rink; or
- (b) each other place of like amusement.

(3) Except as provided in section 5, no person shall carry on or operate:

- (a) a merry-go-round;
- (b) a switchback railway;
- (c) a carousel; or
- (d) any other like contrivances;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations in respect of the contrivances mentioned in clauses (a), (b) and (c) and in respect of any like contrivance referred to in clause (d).

5. No licence shall be required for any exhibition or travelling show or any other show or performance held in a licensed theatre or public hall.

6. Every application for a licence for any public hall or place of amusement shall include particulars of the financial responsibility of the applicant.

General Requirements

7. Every person carrying on or operating any exhibition, show, public hall, place of amusement or amusement contrivance for which a licence is required under this Schedule shall be responsible that the following requirements are observed, namely;

(a) Advertising. There shall not be published, displayed or distributed any advertising matter which is vulgar or indecent;

(b) Condition of Premises. The premises shall be kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and, in particular, while open for business and for the period of at least one-half hour before and after, the same shall be kept suitably lighted and ventilated, adequate sanitary facilities shall be available, and no snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such manner or to such an extent as to create any unnecessary danger;

(c) Hours. Save as hereinafter otherwise provided or as otherwise specifically authorized by law or as provided by by-law, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from twelve o'clock midnight until eight o'clock in the forenoon of the following day;

(d) Subject to the terms and conditions of the charitable gaming licence, a public hall which may be used to conduct a Monte Carlo event under a provincial charitable gaming licence is permitted to open for the licensed event until up to 4 a.m. local time;

(e) Conduct on Premises. There shall not be allowed in or about the premises any disorderly or unseemly conduct;

(f) Obstructing Highway. All necessary measures shall be taken to prevent any obstruction of the highway by patrons; and

(g) Fire or Panic. In case of fire, panic or other emergency or untoward incident, the police and fire departments shall be notified promptly, and there shall be taken such other precautionary or protective measures as may be reasonably needful under the circumstances.

8. Every person to whom this Schedule applies shall take out a separate licence for the carrying on or operation of each exhibition, show, public hall, place of amusement or contrivance mentioned in clauses (a), (b), (c), (d), (e), (f) and (g) of subsection 3(1).

Special Regulations

9.(1) Bowling Alleys. Notwithstanding the provisions of section 7 of this Schedule respecting hours, the business hours of a bowling alley on Monday, Tuesday, Wednesday, Thursday and Friday may be extended until one o'clock in the morning of the following day, but the keeper

shall be responsible, that no person under the age of fourteen years shall be allowed to be on the premises after nine o'clock in the afternoon or before eight o'clock in the forenoon of any day unless accompanied by one of his parents or a responsible adult.

(2) Public Halls. Every keeper of a public hall shall be responsible that the following requirements are observed, namely:

(a) Undesirable Activities. No indecent or disorderly performance or other such undesirable activity shall be allowed; and

(b) Dances. When dancing is held in a public hall, other than a bona fide private dance held by a private person or a bona fide religious, charitable, patriotic or fraternal organization, notwithstanding the provisions of section 7 of this Schedule respecting hours, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until one o'clock in the afternoon of the following Monday, and during the remainder of the week the premises shall be closed at one o'clock in the forenoon and shall remain closed until one o'clock in the afternoon of the same day.

Provided that nothing herein shall be deemed to prohibit the continuance of any dance on New Year's Eve, until three o'clock of the following morning.

(3) Rebound Tumbling Establishments. Every operator of a rebound tumbling establishment shall be responsible that the following requirements are observed, namely:

(a) The premises and equipment shall in all respects be suitable for the purpose and so maintained, and without limiting the generality of the foregoing there shall at all times be readily available a telephone and a suitable first-aid kit;

(b) At all times when the establishment is in use there shall be at least one trained and competent supervisor in attendance for each twelve tumbling units or fractional part thereof, and all necessary measures shall be taken to prevent obstruction of the highways;

(c) All injuries or mishaps shall as soon as possible be reported to the medical officer of health and the Issuer of Licences, and proper records of the same kept; and

(d) No equipment shall be allowed to be used by any person under the influence of alcohol, or who is otherwise not in fit condition, or by any child under eight years of age unless in the immediate company of his parent or of some other competent and responsible person.

(4) Bingo Parlours. Notwithstanding clause 9(2)(b), no person shall carry on or operate a bingo parlour except between the hours of 8:00 in the forenoon and 1:00 in the forenoon of the following day.

(5) The premises of a moving picture theatre shall not be required to close at twelve o'clock midnight preceding a statutory holiday or a holiday fixed by proclamation and when such holiday, except Remembrance Day, falls on a Sunday, the premises shall not be required to close at twelve o'clock midnight on the Monday following the holiday.

(6) Where subsection (5) applies, the premises of the moving picture theatre shall close after any complete presentation of a moving picture show after midnight but, in any event, not later than 3:00 in the forenoon of the next day following the preceding midnight.

(7) The premises of a moving picture show shall be closed not later than twelve o'clock midnight on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.

10. The premises of the following places of amusement or entertainment shall be closed and remain closed on all other days except Saturday, as follows:

1. Theatres, other than moving picture theatres or shows, from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.
2. Roller Rinks, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.
3. Arenas, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.
4. Billiard Parlours, from three o'clock in the forenoon until eight o'clock in the forenoon of the same day, except that any pinball machine and amusement machine on the premises shall be closed and remain closed from twelve o'clock midnight until eight o'clock in the forenoon of the following day.

11. No person to whom a licence has been issued to carry on or engage in the business of a billiard parlour shall permit or cause to be permitted any person less than 14 years of age to be within the billiard parlour after nine o'clock in the afternoon and before eight o'clock in the forenoon of the following day.

SCHEDULE 9

REFRESHMENT VEHICLES

1.(a) In this Schedule, "refreshment vehicle" means a vehicle from which refreshments are sold for consumption by the public.

(b) For the purposes of description and regulation, the types of vehicles are named as follows:

- (i) "refreshment cart", means a wheeled, non-motorized refreshment vehicle, other than a refreshment cycle;
- (ii) "refreshment cycle", means a non-motorized bicycle or tricycle;
- (iii) "motorized refreshment vehicle"; and
- (iv) "ice cream vehicle", which means one of the above types of vehicles from which the food sold is or includes ice cream, frozen desserts or other frozen confections.

Licence and Applications

2. No person, without being licensed under this by-law to do so, shall in the City of Hamilton engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public.

3. A person applying for a refreshment vehicle license shall supply with the application:

- (a) A list of the types of refreshments to be sold, specifying whether the items include ice cream, frozen desserts or other frozen confections;
- (b) Particulars of the type of vehicle, including the serial number, and in the case of a motorized refreshment vehicle, the particulars required by subsection 3(6) of this by-law and a valid and current Safety Standards Certificate as issued by the Ministry of Transportation for the vehicle;
- (c) Name and address of business under which the refreshment vehicle or vehicles will be operated;
- (d) And shall submit the vehicle to be licensed for inspections and reports by a Licence Inspector and a Health Inspector, the results of which may be used in considering the application.

4. No person shall engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public, unless a separate licence has been obtained for each vehicle so used.

5.(1) To be licensed, and to continue to be licensed for use, a refreshment vehicle shall be equipped and maintained as follows:

- (a) with a clean compartment for the storage of food, and in the case of an ice cream vehicle, the compartment shall be refrigerated; and
- (b) with a suitable refuse container.

(2) No person shall carry on or engage in the business of selling refreshments for public consumption from a refreshment vehicle, unless the refreshment vehicle is equipped and in the condition required in (1).

(3) To be licensed, and to continue to be licensed for use, an ice cream vehicle shall additionally be equipped and maintained as follows:

(a) with the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high on a yellow background, conspicuously displayed on the rear of the vehicle;

(b) with a minimum of two amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of refreshments; and

(c) that the vehicle's rear bumper shall have an angled cover on top designed and placed so as to prevent a child from standing or sitting on top.

(4) No person shall carry on or engage in the business of selling refreshments for public consumption from an ice cream vehicle, unless the vehicle is additionally equipped and in the condition required in (3).

Regulations and Prohibitions

6.(1) In this section and section 8, "eating establishment" means a building or premises where food is prepared and offered for sale to the public, to be consumed either on the premises or elsewhere.

(2) A person, being the owner or operator of a licensed eating establishment, and being licensed under this by-law for a refreshment vehicle, may operate the refreshment vehicle on the premises of the eating establishment without having to comply with paragraph 8(1)(c)(ii) by being a certain distance from an eating establishment, and without requiring the written permission of other eating establishments as provided in this section.

(3) Subject to (2), a person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall obtain:

(a) in the case of a refreshment vehicle being operated on private property, the prior written permission of the property owner,

(b) in the case of a refreshment vehicle being operated in public park, the prior written approval of the City, or

(c) in the case of a refreshment vehicle being operated within 100 yards of an eating establishment, the prior written approval of the owner of the eating establishment.

(4) A person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall provide the written approval or permission required under (3) to a licence inspector, by-law enforcement officer or police officer upon request.

(5) A person who has obtained the approval or permission required under (3), may operate from respectively, the private property or park, or within 100 yards of the eating establishment, notwithstanding paragraph 8(1)(c)(ii) of this Schedule.

7. Every person engaging in or carrying on a business for which a licence is required under this Schedule, shall be responsible:

(a) that the Issuer of Licences and the Hamilton-Wentworth Regional Police are notified in writing within six days of any change of address of the licensee or business;

- (b) that no refreshment vehicle is used excepting those which are licensed under this by-law;
- (c) that no such vehicle is used when not in safe operating condition;
- (d) that no such vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other licence number showing except the current provincial licence number or numbers; and
- (e) that no motorized refreshment vehicle is driven by any person not currently holding a valid provincial driver's licence.

8.(1) A person operating a refreshment vehicle or engaging in the selling of refreshments from a refreshment vehicle shall comply with the following:

- (a) Check each day, prior to use of the refreshment vehicle, that the vehicle is safe for operation, and shall not operate the vehicle unless it is, and is maintained, in safe operating condition;
- (b) That there is no crying of wares, sounding of any chimes or use other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;
- (c) The vehicle shall not stop for the sale of any products:
 - (i) within 5 feet of an intersection;
 - (ii) subject to section 6, within 100 metres of any eating establishment, school ground, recreation ground, playground or public park;
 - (iii) for more than ten minutes at any one location on a residential street; or
 - (iv) without being properly parked;
- (d) There shall be no service of any customer who is standing in the roadway;
- (e) That all children and customers are safely away from the vehicle before putting it in motion;
- (f) There shall not be any unnecessary washing or repairing of a vehicle in a street, alley or other public place; and
- (g) At all times while the vehicle is stopped for the sale of food, the lights required by section 5 shall be flashing.

(2) A licence holder under this by-law shall not cause or permit the operation of the licensed vehicle or vehicles, contrary to (1).

9.(1) Subject to subsection (2), no person shall sell refreshments or confections as provided in paragraph 3 of section 234 of the Municipal Act, R.S.O. 1990, c. M-45, from a basket, wagon, cart or other vehicle upon paved portion of the highway maintained for the passage of motor vehicles, which does not include the side walk or boulevard, if the highway is a designated snow route.

(2) This section does not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

10. In addition to non-compliance with this by-law or other laws, the failure to comply with the Highway Traffic Act, R.S.O. 1990, c. H-8, or regulations under the Act, by a person while operating a refreshment vehicle, shall be grounds for the Issuer of Licences to recommend, and for Council or the Licensing Committee to consider a licence suspension or revocation, or the adding of conditions.

SCHEDULE 10

SALVAGE AND SECOND-HAND GOODS BUSINESSES

Application of Schedule

- 1.(1) The provisions of this Schedule shall not be deemed,
- (a) to apply to the business of buying and selling articles being antiques or works of art; or
 - (b) to require the reporting of the purchase or sale of waste paper, rags, bones or bottles, or of used tires, or of ferrous metal scrap which is obviously scrap, or to require the retention of any such goods for any specified period, but the exception provided in this clause does not extend to any motor vehicle or part thereof.
- (2) For the purpose of this Schedule a salvage yard includes an automobile wrecking yard or premises.
- (3) The provisions of subsection 2(1) do not apply to any person engaged in the business for patriotic or charitable purposes.
- (4) The provisions of section 4, and clauses 6(a) and 6(d) do not apply to a person who deals in second-hand goods, only to the extent of receiving traded-in articles the value of which are applied on account of the purchase price of new goods of a like kind being sold in the usual course of the business to the owner of such second-hand goods.
- (5) For the purposes of this Schedule the following definitions shall apply:
- (a) "antiques" means furniture and other goods or articles commonly recognized as collectable because of their quality, value or age, and reproductions of such items, but not including jewellery, precious gems, time pieces, musical instruments, tools, cameras, camera components, or coins;
 - (b) "electronic components" includes stereos, televisions, compact disk players, video players and recorders, facsimile machines, computers, video cameras, and their components;
 - (c) "jewellery" means articles of personal adornment made in whole or part of silver, gold or platinum metal;
 - (d) "salvage or second-hand goods shop or yard" means premises used for the collection, storage, or buying of used manufactured or processed goods, materials or parts, including automobiles or auto parts, whether or not they are further recycled, repaired or salvaged, and which in whole or part are sold or offered for sale by retail; and
 - (e) "works of art" means paintings, photographs, sculpture and other products of artisans commonly recognized as collectable because of their quality or value, but not including jewellery, precious gems, time pieces or coins.

Licence Required

- 2.(1) No person shall carry on or engage in the business of a salvage or second-hand goods shop or yard without a licence under this by-law entitling him so to do.

(2) Every person required to obtain a licence shall obtain a separate licence with respect to each and every shop, store, yard or other premises used for the transaction of business or for receiving, keeping or storing salvage or second-hand goods.

(3) Despite subsection (1), only persons buying or selling second-hand jewellery, precious gems, time pieces, musical instruments, tools, coins, auto parts, cameras or electronic components require a licence under this Schedule.

(4) An applicant, whose business is either transient or non-resident in Hamilton, shall apply for a licence or renewal of licence at least thirty days in advance of commencing to trade in Hamilton.

3. Any licence required under this Schedule may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified, and no person shall deal in any class of second-hand goods not covered by their licence.

Record Book and Reports

4.(1) Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall, without delay, at the time when any salvage or second-hand goods are purchased, taken in exchange, received on consignment or otherwise received or acquired in any manner whatsoever, enter in the Record Book in ink or indelible pencil and in a plain and easily readable hand and in the English language, a record of all such salvage and second-hand goods (except used motor vehicle tires), the date and time, the price or other consideration given, and the name and address of the person from whom they were so purchased, taken in exchange or otherwise obtained, together with the current licence number of the motor vehicle, if any, in which such salvage or second-hand goods were brought; and, in the case of tools purchased or otherwise obtained, the record shall include a proper description of the same, including the name of the manufacturer, and the identifying number or initials, if any.

(2) Every person carrying on or engaging in any of the said businesses shall deliver at the office of the Chief Constable before two o'clock in the afternoon daily, except on Sundays and public holidays, a true copy of the entries in the Record Book relating to all such transactions which have taken place since the transaction last so reported; and whenever there is reason to suspect that any goods or articles may have been stolen, all readily ascertainable particulars of the same and of the person offering the same shall be included in the said report.

(3) Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall treat goods redeemed on pawn tickets as purchased and so entered in the Record Book; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained, there shall be entered in the Record Book the name of the maker, all serial numbers and the current or previous year's motor vehicle licence number, if any.

(4) The said Record Book shall be and remain the property of the City and shall be returned to the City by the licensee at any time on demand, and in any event immediately before the expiry of the licence, whether by revocation or otherwise; and the licensee shall take all necessary precautions to guard against its loss, destruction or mutilation.

(5) When any Record Book is delivered to the City at any time during currency of the licence, the secretary shall supply to the licensee another Record Book which shall be kept and used in the same manner by the licensee at all times while he is without the former Book.

(6) All information in said Record Books and Reports shall be confidential to the City, the Chief Constable and those members of the police force authorized to peruse the same and shall not be communicated to any other person except as it may be required to be given in evidence.

Identification and Purchasing from Minors

5. No person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall directly or indirectly purchase from, exchange with or receive in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any salvage or second-hand goods.

Miscellaneous Regulations

6. Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall be responsible:

(a) **Period of Retention of Goods.** That all salvage and second-hand goods purchased, taken in exchange or otherwise obtained, including goods obtained from a dealer in second-hand goods, shall be retained in unchanged condition and exposed to public view in the licensee's shop or yard within the City of Hamilton for a period of at least thirty days thereafter, and that the same shall be kept clearly separated in location during the whole of such period, from all goods previously purchased, and that none of the same shall be sold or otherwise disposed of until after the expiration of the said period, but where the business licensed is transient or non-resident in Hamilton, the terms of this clause otherwise apply except that the period of retention shall be at least sixty days and that the goods shall be at a location in Hamilton accessible between the hours of 9 a.m. and 5 p.m. local time;

(b) **Place of Storage.** That no salvage or second-hand goods are stored or kept anywhere but at the shop or yard in the City of Hamilton either within a building or within a properly fenced enclosure, that no waste paper or any material likely to blow about the streets is allowed to be deposited or remain where it can do so, and that the whole premises and all salvage and goods therein are kept clean and orderly;

(c) **Soliciting on Highway.** That there is no soliciting of business from any person that is on a public highway;

(d) **Hours of Business.** That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose;

(e) **Identification.** That persons attempting to sell or trade second-hand goods or salvage first be required to produce a valid, government-issued piece of identification, and have a head-and-shoulders photograph or video tape taken in sufficient clarity for later identification of the customer. Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall not complete the transaction until they obtain such identification and photograph from the customer and shall further be responsible for taking and maintaining copies of the identification and photos taken, with a reference to the transaction as contained in the Record Book; and

(f) **Period of Retention of Photographs Taken for Identification Purposes.** That all photographs taken for the purposes of identification of customers under clause (e) be retained, for sixty days in the case of a business transient or non-resident in Hamilton, and for thirty days in the case of all other businesses.

SCHEDULE 11

SIGN POSTERS AND BILL DISTRIBUTORS, ETC.

Licence Required

1. No person shall carry on or engage in any of the following businesses or occupations:

- (a) bill poster;
- (b) advertising sign painter;
- (c) bulletin board painter;
- (d) sign poster; or
- (e) bill distributor,

without a licence under this by-law entitling him so to do.

Miscellaneous Prohibitions

2.(1) No person shall post up or distribute any poster, picture or handbill that is indecent or that tends to corrupt morals.

(2) No person required by the provisions of this Schedule to be licensed shall distribute any poster, picture, handbill, printed matter or other paper whether printed or not,

- (a) by handing the same to any person in any highway or other public place; or
- (b) by depositing the same in or on any motor vehicle; or
- (c) by depositing the same on any lawn, verandah or other such place; or
- (d) by depositing the same into any street, alley, park or other public place,

and every such person shall be responsible for any such act of his servant or agent

SCHEDULE 12

RETAIL STORES SELLING TOBACCO, CIGARS OR CIGARETTES

1.(1) Subject to subsection (3), the keeper of any store where tobacco, cigars or cigarettes are offered for sale by retail shall obtain and maintain in good standing a licence from the City under this Schedule, authorizing the sale from the store of tobacco, cigars or cigarettes by retail.

(2) No person shall sell tobacco, cigars or cigarettes by retail from any store, unless a license has first been obtained for that store under subsection (1).

(3) Pursuant to the Municipal Act, R.S.O. 1990, c. M.45, section 216, the keeper of a hotel, within the meaning of that section, is exempt from this Schedule.

(4) Where a person being the owner and operator of a store, is the holder of a licence under this Schedule as the keeper of such store, no employee of the store need obtain a separate licence.

(5) The Issuer of Licences may combine as one document the licence certificate and Form 1, to be posted as a sign in accordance with this Schedule.

2. For the purposes of this Schedule, the following definitions apply:

(a) "keeper" shall mean a person responsible for the care and management of a store selling tobacco, cigars or cigarettes, and shall include the owner and operator of the store;

(b) "licence holder" shall mean the keeper of a store who holds a current and valid licence under this Schedule; and

(c) "store" shall include any building, booth, or stall, or a portion thereof where goods are exposed for sale, and shall include a shop.

Regulations

3.(1) A licence holder under this Schedule shall:

(a) display in the store at all times a sign, as shown in Form 1 set out in Appendix "A" hereto annexed which appendix is included in and forms a part of this Schedule, on or immediately next to each till or cash register where customers may purchase or pay for any tobacco, cigars or cigarettes;

(b) display the sign required in paragraph (a), so that the contents are in plain view to customers approaching the till or cash register, and containing only the prescribed message, in English, and written in black characters on a white background;

(c) require employees of the store to read the sign required in paragraph (a), prior to commencing work involving the sale of tobacco, cigars or cigarettes, and instruct employees to bring any removal or defacement of the required signs to the immediate attention of the licence holder;

(d) replace with a new sign as required in paragraph (a), any sign which has been removed or destroyed, or where the prescribed message or part thereof has been defaced; and

(e) use for the required signs the sign available from the City, or substitute a sign of equal or greater overall size and letter size and complying in all other respects with requirements of this Schedule.

(2) Where any tobacco, cigars or cigarettes are dispensed from a vending machine in the store, the licence holder shall:

(a) display a sign, in the form and content required in paragraphs (1)(a) and (1)(b), on top of or on the front of each machine so that the content is in plain view to customers operating the machine, and the licence holder shall otherwise comply with the requirements of subsection (1); and

(b) locate each machine within the view of the licence holder or employee thereof, while at a till or cash register in the store, so that persons using the vending machine are in plain view and so the licence holder or employee of the store can verify the placement and existence of the signs required in paragraph (a).

(3) Nothing in this Schedule shall prevent a licence holder or an employee of the store from refusing service to anyone seeking to purchase tobacco, cigars or cigarettes, or from posting a sign to that effect, in addition to the signs required by subsections (1) and (2).

(4) In addition to the signs required by subsections (1) and (2), the licence holder may display like signs in any language suitable for customers.

4.(1) A licence holder under this Schedule shall provide in the store for the use of customers;

(a) at least one container for the disposal of refuse, and,

(b) where smoking is not prohibited in the store, at least one ashtray.

(2) The licence holder shall empty the containers required in subsection (1), and any other garbage or ash containers provided for customers, to eliminate overflow of the contents, and shall remove any spillage from the containers.

5. Nothing in this Schedule shall operate to prevent a licence holder or an employee of the store, from complying with applicable laws or a court order respecting the removal or control of vending machines made under the Tobacco Restraint Act, R.S.C. 1985, Chapter T-12, as amended, and to the extent of any conflict with the applicable law or such court order the provisions of this Schedule are deemed not to apply.

SCHEDULE 13
TRANSIENT TRADERS

1. In this Schedule,

(a) "trade" means trade, business, or occupation;

(b) "transient trader" means a person who offers goods, wares or merchandise for sale in any manner in the municipality,

(i) other than on a permanent basis, or

(ii) on a permanent basis if the total time the person has operated the business on a permanent basis and the time the person continuously resided in the municipality immediately before beginning to operate the business on a permanent basis is less than three months.

(c) A person who commences business by offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient trader, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient trader shall obtain and maintain in good standing a licence authorizing the transient trader to carry on or engage in his trade.

3. No transient trader shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient trader shall pay a licence fee before commencing trade in the municipality.

6.(1) Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

(2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.

7.(1) The licenses issued under this Schedule shall expire three months from the date of issuance.

(2) The licence fee shall be applied on account of taxes payable on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business during the year in which the licence was issued and five years thereafter.

(3) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

8. This Schedule does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in

which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock;

(b) The sale of a business to a purchaser who continues the business; or

(c) A charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used directly for charitable objects.

SCHEDULE 14

BAKE SHOPS

Application for Licence

1. (1) Every owner or operator of a shop in which baked goods are made, offered for sale, stored or sold, shall obtain and maintain in good standing a licence from the City, authorizing the use of the premises as a bake shop.

(2) No person shall carry on, or engage in, the business or occupation of operating a bake shop, without first having obtained a licence under this Schedule.

Certificate of Health Services

2. No such licence shall be issued until the Health Services Department gives a certificate that all regulations and conditions have been fully complied with.

SCHEDULE 15

LODGING HOUSES

Interpretation

1. Definitions:

(a) "lodging house" means a nursing home and any house or other building or portion thereof in which four or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under a general or special Act other than the Municipal Act; and

(b) "second level lodging house" means a lodging house as further defined in City by-law 80-259 as amended.

Licence Required

2.(1) No person shall operate a lodging house in the City of Hamilton, unless the keeper of the lodging house first obtains and maintains a licence under this by-law for the keeping and operation of that house.

(2) Subject to sections 5 and 6 of this Schedule, second level lodging house licences and applications shall be dealt with under this by-law.

Miscellaneous Requirements for Lodging Houses

3.(1) The keeper of a lodging house shall ensure that the lodging house is so designed, constructed, equipped and maintained as to be in compliance with applicable laws and this by-law, and available and suitable for the use of residents, and, without restricting the generality of the foregoing,

(a) There shall be at least one water closet, one wash basin, and one bath tub or shower bath in a separate room or compartment, for every seven residents, based on the lodging house capacity for residents or the actual occupancy, whichever is greater.

(2) Without restricting the generality of (1), the keeper of a lodging house shall ensure,

(a) That the building and all facilities are maintained and used in accordance with the standards provided in this by-law, and that the same and all equipment, furniture and furnishings are kept in good repair and in clean and sanitary condition, and available for use by residents;

(b) That each resident of the lodging home is supplied with a separate lockable mail box;

(c) That a register is maintained at the lodging house, with the name and signature of all residents, their usual residence or if none their last residence, the date of entry to and date of departure from the lodging house, and type of identification produced by the resident to the operator or staff of the lodging house;

(d) That there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge;

(e) That there is posted along with the licence certificate a notice signed by the operator, giving his name, address and telephone number, and the name, address and telephone number of the employee or agent in charge of the particular premises, along with the emergency telephone numbers for Fire, Police, Building and Health Services Departments.

(3) Subject to (4), a person applying for or transferring a lodging house licence shall provide with the application, for each lodging house property, a certificate of compliance issued to the person under property standards by-law 94-185 as amended, the date of which is no more than 45 days before the date on which the Licensing Committee considers the application for a licence.

(4) A lodging house licence holder applying for renewal of the licence shall comply with (3), unless there is a certificate of compliance issued to the licence holder under property standards by-law 94-185 as amended, the date of which is no more than three years before the date on which the Licensing Committee considers the application for a licence.

(5) A person applying for a licence shall attend a training session conducted by or on behalf of the City, prior to issuance of a licence.

Inspection

4. The medical officer of health, a licence inspector, or a police officer, may at all reasonable times make inspection of any lodging house and of the records required to be kept, and the Medical Officer of Health may delegate such duty to a subordinate.

5. Subject to 6, the provisions of and licence fees in by-law 80-259, as amended, continue to apply to second level lodging houses.

6.(1) The issuance, revocation and administration of second level lodging house licences shall be dealt with under the provisions of this by-law.

(2) Sections 3 and 4 of this Schedule shall not apply to second level lodging houses.

SCHEDULE 16

PAWNBROKERS

Application for Licence

1. No person shall engage in the occupation or business of a pawnbroker, without paying the amount of the licence fee, and obtaining a licence under this Schedule and as prescribed by the Pawnbrokers Act, R.S.O. 1990, c. P.6 entitling him or her so to do.
2. No licence certificate for a licence granted under the provisions of this Schedule shall be issued except under the hand of the City Treasurer, acknowledging receipt of the amount of the licence fee, and of the security required by the said Act to be furnished to the municipality to the satisfaction of the City Treasurer.

SCHEDULE 17

PUBLIC BATHS

Licence Required

1. No person shall, in the City of Hamilton, keep any class or classes of public bath premises operated for profit, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.

SCHEDULE 18

PUBLIC GARAGES

1. In this by-law;

(a) "landscaped area" shall mean an area of land provided and maintained on the same lot on which the building, structure or use is situated, no part of which shall be other than:

- (i) fully and completely open and exposed to natural light and air and unobstructed above the surface; and,
- (ii) used exclusively for scenic, recreational or like uses; and,

Provided that not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip, but shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building;

(b) "planting strip" means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer; and,

(c) "public garage" means a public garage, parking facility, automobile service station or car wash within the meaning of paragraphs 152 through 155 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45.

2.(1) No person shall in the City of Hamilton, carry on the business of a public garage without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.

(2) Subject to (3), every person required to obtain a licence under this Schedule shall be required to obtain a separate licence and comply with the requirements applicable to each class or licence category, for each class of public garage carried on from the garage.

(3) In the event a garage requires more than one class of licence under this Schedule, the licensee or applicant shall, as the licence fee, pay only the amount applicable for one licence.

Classes of Licence

3.(1) Any licence entitles the licensee to carry on only such class or classes of public garage as may be specified, and the licensee shall not be entitled to carry on or engage in any class of public garage for which he has not been granted a licence.

(2) The various classes of public garage shall be as follows:

- (a) "Garage A" a building or place where motor vehicles are stored or kept for sale;
- (b)(i) "Garage B1" a building or place used as a motor vehicle repair shop, including body and fender repairs;
- (ii) "Garage B2" a building or place used as a motor vehicle repair shop excepting body and fender repairs; and

- (iii) "Garage B3" a building or place used as a motor vehicle repair shop for body and fender repairs only;
- (c) "Garage C" an automobile service station within the meaning of the licensing provisions of The Municipal Act, or a building or place where gasoline or oils are stored or kept for sale, except a retail store where any such gasoline or oils are sold in sealed containers only;
- (d) "Garage D" a parking station or a parking lot; Provided that the renting of parking space for not more than five motor vehicles, by the operator of an automobile service station licensed as such under this by-law, shall not be deemed to bring any such automobile service station within this class; and
- (e) "Garage E" a building or place used for washing or cleaning motor vehicles, excepting a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day.

3a.(1) For the purpose of this section, "car wash" means a building or place used for washing or cleaning motor vehicles as defined in paragraph 3(2)(e).

(2) "car wash, manual", shall mean a vehicle wash wherein the motor vehicle does not move during washing or is washed only manually by a person but without insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(3) "car wash, mechanical", shall mean a vehicle wash wherein the vehicle is driven or towed into the washing bay and does not move during any one or more phases of the washing process and is washed by equipment that is stationary or moves about the vehicle, but without the insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(4) "car wash, coin-operated", shall mean a vehicle wash wherein the vehicle is washed either manually or mechanically only upon the insertion of a coin in a vending machine or receptacle to commence or continue the washing process.

(5) "car wash, high-speed mechanical", shall mean a vehicle wash wherein the vehicle is moved by, on, or along a conveyor system during different phases of the washing process.

Application for Licence

4.(1) Every application for a public garage licence shall be in writing and shall show the applicant's name and postal address, the name and address of the public garage or proposed public garage, the class or classes of licence applied for, and a sufficient description of the premises used or proposed to be used, together with sufficient particulars of his arrangements for carrying on the business, and shall be filed with the Issuer of Licences, together with six true copies.

(2) Save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by a satisfactory plot plan signed by the applicant, with six true copies, based on a registered plan of survey if any, and otherwise in accordance with the actual property lines, drawn to a scale of ten feet to the inch where the area of the site is 25,000 square feet or less, and otherwise to a scale of twenty feet to the inch.

(3) In the case of a parking lot, the plan shall be substantially in accordance with the form of plot plan and showing,

- (a) Location of the premises, position of adjacent street lines, sidewalks, boulevards, fire hydrants, poles and driveways, and the position and type of use of adjacent

buildings, structures and premises, all according to scale and including an indication of the north point;

(b) The drainage system and type and specifications of surfacing of all outdoor areas to which motor vehicles will have access, together with complete grade levels and the location and dimensions of all catch-basins and other drainage facilities, the location and dimensions of all fuel pumps and islands, and of all barriers, signs, poles, trees, buildings, structures and things above the level of the paving, and of all access driveways, manoeuvring space and parking spaces, entrances, exits and ramps;

(c) In the case of any building or structure, the location of the vehicular and pedestrian entrances and exits, the entrance and exit driveways, the location and grade of ramps within the premises giving access to or from the ground level, the location and size of receiving and exit areas, and where parking tickets or car washing tickets are to be issued, the location and nature of ticket-issuing points; and

(d) Landscaping, paving, fencing, markings, bumpers/wheel barriers and lighting where such is required by Zoning By-law No. 6593 and any amendments thereto.

(4) The form of every plot plan other than one for a parking lot shall also be in accordance with the scale and general principles above provided for parking lots.

5. Whenever a licence has been granted for any public garage and the business so authorized has not yet been commenced as a regular business within one calendar year following the issuing of the licence, a public garage licence shall not again be issued for the location in question unless and until a new application has been made and the circumstances of the delay dealt with in a report to City Council accompanying the application for a new licence; and in the case of every public garage licence issued, the following words shall appear on the face of the licence:

"If the business authorized by this licence has not been commenced on a regular basis within twelve months from date of issue, a new licence will not be issued until the circumstances of the delay have been reviewed by the City Council."

Miscellaneous Regulations for All Public Garages

6.(1) Every public garage shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and without restricting the generality of the foregoing,

(a) All grades and drainage facilities shall be such as to prevent drainage to any street, sidewalk or other adjoining land;

(b) All lighting facilities shall be such as not to cause annoyance from direct glare, to persons on the street or on adjoining land;

(c) All means of ingress and egress shall be in accordance with the plans submitted with the application for licence, or as subsequently authorized and, wherever there is a public sidewalk or curb, shall be by means of an approach ramp installed in accordance with the provisions of the Streets By-law 86-77 as amended; and

(d) Every sign shall be so located, and shall have such content, colour and design as not to create any unusual hazard or confusion to any pedestrian or to any driver of a motor vehicle.

(2) The operator of every public garage shall be responsible,

(a) that all signs and required facilities are maintained in conformity with the requirements hereinbefore set forth;

(b) that save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, no part of any street, public lane or other public place is used for the parking or manoeuvring of motor vehicles, or in any other manner as if it were part of the public garage premises;

(c) that there is no outside storage except of whole motor vehicles in operating condition;

(d) that the premises are kept in an orderly and clean condition, without any scrap, debris or refuse left lying about; and

(e) that prompt report is made to the Hamilton-Wentworth Regional Police, of any motor vehicle which he may have reason to suspect is either stolen or abandoned.

Additional Requirements for Parking Stations and Parking Lots

7.(1) Every parking station and parking lot shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) A permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained on all outside areas to which motor vehicles will have access;

(b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking spaces and all outside areas to which motor vehicles have access, except exits and entrances, shall be provided with barriers, so designed, constructed, located and otherwise suitable as to prevent any part of a motor vehicle from projecting over any part of a street, public lane or other public place, or within three inches of the boundary of any other adjoining land;

(c) There shall be provided at each entrance where it may readily be seen by every driver of a motor vehicle about to enter the premises, a suitable sign no nearer to the ground than seven feet, and no farther from the ground than twelve feet, bearing in clear and legible letters and figures no less than four and no more than twelve inches high, the name of the operator, his business address, and the hours and rates for the parking of motor vehicles;

(d) There shall be provided the required sanitary facilities except where the medical officer of health is satisfied that they are not necessary and has given a written waiver which remains unrevoked;

(e) A landscaped area with a planting strip having a minimum average width of 2.0 metres (6.56') but not less than 1.0 metres (3.28') in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways;

(f) An area landscaped with a planting strip of not less than 1.5 metres (4.92") in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use;

(g) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line;

(h) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;

(i) Every lighting facility shall be so designed, installed and maintained as to ensure that light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and

(j) Lighting shall be provided to a minimum level of 5 foot candles, as measured by readings taken at three feet from the ground, in all areas used for parking and access of vehicles as well as those areas used for pedestrian access to and from the parking areas.

- (2) The operator of every parking station and parking lot shall be responsible,
- (a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth;
 - (b) that every entrance, exit, and access aisle is kept unobstructed for its full length and width, and that all entry, parking and discharge of vehicles is conducted only as indicated on the plans submitted with the application for licence or as subsequently authorized; Provided that this clause shall not be deemed to prohibit a suitable ticket office or automatic control device which does not contribute to congestion or unreasonably obstruct any means of ingress or egress;
 - (c) that except in the case of a metered or automatically controlled parking station or parking lot, a competent attendant is on duty at all times during business hours as indicated on the sign;
 - (d) that while no parking spaces are available, a suitable notice announcing that fact is prominently displayed at the entrance; and
 - (e) that no person is allowed to loiter about the premises.

(3) Subject to (4), the operator of every parking station and parking lot shall provide and maintain the facilities as set out in the approved plot plan required by Section 4 of this Schedule, which shall be a condition of obtaining or continuing to hold the licence.

(4) The operator of an existing licensed parking station or parking lot on the date of enactment of this Schedule, whose existing facilities pertaining to landscaping, paving, fencing, markings, bumpers/wheel stops and minimum lighting are not in accordance with the requirements as set out in this Schedule, as a condition of obtaining and continuing to hold a licence, shall:

- (a) Provide a satisfactory plot plan in accordance with Section 4 notwithstanding the exemption contained therein; and,
- (b) Within one year of the date of enactment of this Schedule, provide the facilities as required, in accordance with the approved plot plan.

Additional Requirements for Sales Lots

8.(1) Every place where motor vehicles are stored or kept for sale shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

- (a) All outside areas to which motor vehicles will have access shall be suitably surfaced with asphalt or concrete, or with crushed stone or slag or other as suitable material so treated as to make it dust free and prevent it from spilling or spreading onto any street or other adjoining land; and
- (b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking or storage areas shall be equipped with barriers as hereinbefore required for a parking lot, so designed, constructed and located, and otherwise suitable, as to prevent any part of a motor vehicle from projecting over any part of a street allowance or public lane, or within three inches of the boundary of any other adjoining land.

(2) The operator of every place where motor vehicles are stored or kept for sale shall be responsible, that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth.

9. Every building or place used for washing or cleaning motor vehicles, except a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day, shall be in all respects suitable for the purpose, and, without restricting the generality of the foregoing,

(a) Wash-racks. Every wash-rack and other equipment for washing or cleaning motor vehicles, except steam-cleaning equipment, shall be located within a building; and

(b) Surfacing. All outside areas to which motor vehicles will have access shall be suitably surfaced with,

(i) hot-mix asphalt on macadam base; or

(ii) concrete; or

(iii) other as hard-surfaced and otherwise suitable material not including loose crushed stone or slag.

SCHEDULE 19

PRECIOUS METALS AND JEWELLERY DEALERS

Interpretation

1. In this schedule,

- (a) "goods" means old gold and other precious metals and old jewellery or other articles that may be smelted and from which gold may be recovered;
- (b) "metals dealer" means a person who for hire or gain purchases or deals in old gold and other precious metals and old jewellery or other articles for the purpose of smelting the same and recovering gold;
- (c) "precious metals" includes silver and platinum.

Licence Required

2. Except where the person holds a current and valid licence issued under Schedule 16 of this by-law, no person shall carry on business as a metals dealer without a licence under this by-law, entitling him so to do.

Duties of Metals Dealers

3. Every metals dealer shall comply with the following regulations:

- 1. Not alter, repair, change or dispose of or give up possession or give up control or in any way part with any goods purchased or taken in exchange or otherwise acquired, from any person until after the expiration of fifteen clear days, exclusive of Sundays and public holidays from the date of purchase, exchange or other acquisition.
- 2. Keep the goods at all times on the licensed premises for the period of fifteen clear days referred to in regulation 1 above, from the date of purchase, exchange or other acquisition.
- 3. Keep the goods on the licensed premises separate from any other goods previously purchased, taken in exchange or otherwise acquired.
- 4. Not purchase, take in exchange or otherwise acquire any goods for the purpose of smelting the goods and recovering any gold or other precious metals, from any person apparently under,
 - (a) the age of 18 years; or
 - (b) the influence of liquor.
- 5. Keep and maintain a separate and bound record book approved by the Issuer of Licences in the same manner as required by Schedule 10, entitled "Old Gold, Precious Metals and Jewellery Register".
- 6. Keep and maintain in the record book referred to in regulation 5 above, a record only of the purchases, exchanges or other acquisitions of goods transacted in whole or in part, directly or indirectly, in the municipality of the City of Hamilton.

7. Enter into the record book referred to in regulation 5, in the English language, legibly written in indelible ink, a record of all goods purchased, taken in exchange or otherwise acquired.
8. Enter into the record book referred to in regulation 5, an accurate description of the goods sufficient to identify the goods, including:
 - (a) the quantity, colour, type and commonly known name and trade name, if any;
 - (b) the name of the maker, manufacturer or any other name and any initials, description of trademark, crest or other symbol, dates and any other inscribed marking;
 - (c) the name, address, full particulars of identification and description of the person from whom the purchase or acquisition, or with whom the exchange was made;
 - (d) the price or other consideration for the goods and a description of the consideration; and
 - (e) the date and exact time the goods were purchased, exchanged or otherwise acquired.
9. Make the entry referred to in regulations 7 and 8 above, at the time the goods are purchased, exchanged or otherwise acquired.
10. Not remove, render illegible, alter or vary or in any way change any entry referred to in regulations 7 and 8 at any time, without prior notice to, and approval of the Hamilton-Wentworth Regional Police.
11. Not remove any page or part thereof from the record book.
12. Not mutilate or otherwise render unreadable, the record book.
13. Not remove the record book from the municipality of the City of Hamilton, without prior notice to, and approval of the Hamilton-Wentworth Regional Police.
14. Complete a record card in duplicate for each purchase, exchange or other acquisition, in form and content in accordance with Form 1 at the time an entry is made in the record book and file the duplicate copy with the Hamilton-Wentworth Regional Police.
15. Retain the original record card on file.
16. Deliver the duplicate copy of the record cards to the Hamilton-Wentworth Regional Police not later than two o'clock in the afternoon on the same day that the entry was made in the record book.
17. Produce the record book immediately upon demand by a licence inspector or a police officer for the purpose of such inspection and reproduction of content as may be required.
18. Produce the goods recorded or required to be recorded in the record book and kept on the premises in accordance with this Schedule, immediately upon demand by a licence inspector or a police officer for the purpose of inspection.

19. Carry on the business of a metals dealer only at the place, location or site identified in the licence.
20. Keep and maintain the place, location or site separate and apart from any other trade, calling, business or occupation carried on upon the premises, by means of counters, partitions, walls or other like barriers.

SCHEDULE 20

BUILDING EXTERIOR CLEANER

1. In this Schedule,

- (a) "building exterior cleaner" means a sandblaster, or other person who for gain uses a cleanser to clean or restore the exteriors of buildings or other structures;
- (b) "cleanser" means chemicals or pressurized air, water, steam, sand or other abrasive;
- (c) "weekdays" means days of the week excluding Saturdays and Sundays; and
- (d) "work area" means the area exterior to a building or structure being cleaned or restored that is occupied by a building exterior cleaner.

Licence Required

2. No person shall carry on business of building exterior cleaner without a licence under this by-law entitling him so to do.

Duties of Building Exterior Cleaners

3. Every building exterior cleaner shall comply with the following regulations:

- 1. Provide and maintain barriers separating the work area from pedestrian traffic in the vicinity of the work area.
- 2. Use barriers or other mechanical means to prevent any cleanser from spreading or diffusing beyond the work area.
- 3. Keep and maintain public property adjacent to the work area free and clear of building debris and other materials which are used, created or distributed during the course of the work performed.
- 4. Perform an inspection and clean up, after each work day and after the completion of the work, to remove all debris, sand, abrasive, residue, precipitant, solids, liquids or material which are used, created or distributed during the course of the work performed, from public or private property adjacent to or in the vicinity of the work area.

4. Every building exterior cleaner shall:

- (a) by notice in writing delivered to the Issuer of Licences at least 7 days before commencing to use any cleanser on any building or structure, identify the location of the building or structure and the date and time that use of any cleanser will commence; and
- (b) in the notice or at any time prior to commencing use of the cleanser, identify particulars of the cleanser, and the manner of its application.

Hours of Operation

5.(1) Every building exterior cleaner shall cease using cleanser on:

- (a) weekdays between 5:30 o'clock in the afternoon and 8:30 o'clock in the forenoon of the following day; and
- (b) Saturday, Sunday and Holidays.

SCHEDULE 21

FLEA MARKETS

1. In this Schedule,

(a) "chief building official" means the chief building official appointed under the Building Code;

(b) "flea market" means a place, building, or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors;

(c) "owner" means a person carrying on or engaging in the business or occupation of operating a flea market and includes a manager, operator, agent and representative;

(d) "patron" means a person who has entered upon the premises of the flea market;

(e) "place" includes land and premises on a part of which a building or structure may or may not be situate;

(f) "stallholder" means a person carrying on or engaging in the business or occupation of operating a stand; and

(g) "stand" means an area in the flea market at which new or used goods are exposed or offered for sale.

2. Every flea market owner shall obtain a licence from the City authorizing the owner to carry on or engage in the business of operating a flea market.

3. No person referred to in section 2 shall carry on or engage in his or her business or occupation unless a licence has been issued and is in force.

4.(1) In addition to any other information required under this by-law, every flea market owner shall provide, with his or her application, a suitable site plan of the flea market satisfactory to the chief building official and Licensing Committee showing;

(a) the location and dimensions of the place, building or structure and location of stands; and

(b) the location and number of parking spaces provided for patrons lawfully accommodated.

(2) No licence shall be issued to a flea market owner and no licence shall be renewed to a flea market owner where the owner fails to provide the site plan at the time of application or renewal, in accordance with subsection (1).

5.(1) Every applicant who is a flea market owner shall comply with the following regulations:

1. The flea market must be kept and maintained in an orderly and clean condition, free at all times from debris and waste of any kind.

2. A written list of stallholders, including names, addresses, type or classes of goods which are offered for sale or sold, and the date of the commencement and termination of the use of each stand, must be deposited with the Issuer of Licences at the end of each month.

(2) Every flea market owner shall open not earlier than 10:00 o'clock in the forenoon and close not later than 5:00 o'clock in the afternoon of the same day, and shall remain closed during other hours of the day.



FORM 1
APPENDIX "A" TO SCHEDULE 2
OWNER APPLICATION

J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

APPLICATION AND STATUTORY DECLARATION
FOR A PRIVATE CAB OWNER LICENCE

(Please Print)

NAME _____
SURNAME CHRISTIAN OR GIVEN NAME
ADDRESS _____

NAME AND ADDRESS OF BROKER YOU WILL BE ASSOCIATED WITH IF GRANTED A LICENCE

I HEREBY DECLARE THAT I HAVE NOT GRANTED, ASSIGNED, CONVEYED, TRANSFERRED OR OTHERWISE PASSED ON BY SALE, GIFT OR OTHERWISE, THE USE OR POSSESSION OF ANY OTHER LICENCE ISSUED TO ME FOR A PERIOD OF NOT LESS THAN TWO CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

I HEREBY FURTHER DECLARE THAT I AM EMPLOYED FULL-TIME (AS DEFINED IN SECTION 25(2)(A,B) OF BY-LAW 89-249, AS AMENDED BY BY-LAW 89-316) AS A: (Check One)

TAXICAB OWNER (), DRIVER (), DISPATCHER (), TELEPHONE SERVICE OPERATOR ()

AND HAVE BEEN EMPLOYED FOR A PERIOD OF NOT LESS THAN TWO YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

ARE YOU PRESENTLY EMPLOYED OTHER THAN IN THE TAXICAB INDUSTRY _____

NAME OF EMPLOYER _____

IS THE EMPLOYMENT FULL-TIME OR PART-TIME _____

I, _____, do hereby declare that the information given in this application and any supporting documents is true, correct and complete in every respect, AND I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of THE CANADA EVIDENCE ACT.

DECLARED before me at the City of _____)
Hamilton, in the Regional-Municipality))
of Hamilton-Wentworth, _____)

this _____ day of _____)
_____)
_____) Signature of Applicant

A Commissioner, etc.

SCHEDULE 22

Appendixes and Forms

FORM 1 (APPENDIX "A") TO SCHEDULE 2 : OWNER APPLICATION

FORM 2 (APPENDIX "B") TO SCHEDULE 2 : DRIVER APPLICATION

FORM 3 (APPENDIX "C") TO SCHEDULE 2 : TRANSFER OF PLATE

FORM 4 (APPENDIX "D") TO SCHEDULE 2 : LIMITED INTEREST AGREEMENT

FORM 5 (APPENDIX "E") TO SCHEDULE 2 : TRIP SHEET

FORM 2 (APPENDIX "A") TO SCHEDULE 3 : APPLICATION

FORM 5 (APPENDIX "B") TO SCHEDULE 3 : TRIP SHEET

FORM 1 (APPENDIX "A") TO SCHEDULE 12 : SIGN

FORM 1 (APPENDIX "A") TO SCHEDULE 19 : RECORD CARD

APPLICATION FORMTAXICAB DRIVER

SURNAME: FIRST NAMES:
 DATE OF BIRTH TELEPHONE NO.
 DRIVER'S LICENCE NO. CLASS
 DRIVER'S LICENCE EXPIRY DATE: NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
 IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
 IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
 IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR TO MONTH-YEAR

****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____

E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK



FORM 3
APPENDIX "C" TO SCHEDULE 2
TRANSFER OF PLATE

CITY HALL
HAMILTON, ONTARIO
L8N 3Y4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TRANSFER OF TAXI CAB PLATES

IN THE MATTER OF THE TRANSFER OF TAXICAB PLATE NUMBER _____ FROM
_____ TO _____

I, _____, THE PRESENT OWNER OF TAXICAB PLATE
NUMBER _____, HEREBY AGREE TO SELL SAID PLATE TO _____

I, _____, THE PURCHASER OF TAXICAB PLATE
NUMBER _____, DO SOLEMNLY SWEAR THAT THE TOTAL CONSIDERATION IS
AS FOLLOWS:

GOODWILL			
CAR			
METER			
RADIO			
ROOF SIGN		MAKE	YEAR
TOTAL			

SWORN BEFORE ME AT THE CITY OF
HAMILTON, REGIONAL-MUNICIPALITY
OF HAMILTON-WENTWORTH
THIS _____ DAY _____ MONTH _____ YEAR

.....
(A COMMISSIONER, ETC.)

The Corporation of the City of Hamilton

EY-LAW NO. 88-136

LIMITED INTEREST AGREEMENT

THIS AGREEMENT made on the _____ day of _____,
19____

B E T W E E N:

Hereinafter called the "PLATE OWNER"
of the First Part

- and -

Hereinafter called the "PLATE USER"
of the Second Part

1. WHEREAS THE PLATE OWNER holds a taxi-cab licence but has ceased owning a taxi-cab respecting which the licence was issued;
2. AND WHEREAS THE PLATE USER is the owner of a taxi-cab but is not the holder of a licence respecting a taxi-cab;
3. AND WHEREAS THE PLATE OWNER and the PLATE USER intend herein to enter into this Agreement (hereinafter referred to as a "limited interest agreement") wherein a licence is transferred temporarily by the PLATE OWNER to the PLATE USER.
4. NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the mutual covenants and an agreement hereinafter contained, the PARTIES hereto mutually covenant and agree as follows:

A. PLATE OWNER'S COVENANTS AND AGREEMENTS:

1. An interest in City of Hamilton taxi-cab licence hereinafter referred to is hereby transferred to the PLATE USER for a period commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____.
2. My full and correct name and business address is _____.
3. The City of Hamilton taxi-cab licence number and year of issue is _____.
4. The date on which the licence, which is the subject of this Agreement was issued _____.

5. Full particulars of all consideration given by me, whether in money or in any other kind, direct or indirect, including fees and/or rental _____

_____.
6. List of all services, rights or other considerations, given by me to the PLATE USER _____

_____.
7. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

_____.
8. Full particulars as to where and how the maintenance, repairs or purchases are to be made and the payments therefor _____

_____.
9. Where the PLATE USER transfers or purports to transfer the limited interest in this Agreement, this Agreement is hereby terminated on the date of the transfer or purported transfer or on the following date _____
_____.

B. PLATE USER'S COVENANTS AND AGREEMENTS.

1. The interest in the City of Hamilton taxi-cab licence hereinbefore referred to and transferred to me by the PLATE OWNER is hereby accepted by me without reservation for a period commencing on the _____ day of _____, 19____.
2. My full and correct name and business address is _____

_____.
3. The make, model, serial number, year and full description of all equipment which is used with the taxi-cab and serial number and year of the equipment, are _____

_____.

4. The motor vehicle permit plate number for the taxi-cab owned by me, issued under THE HIGHWAY TRAFFIC ACT is _____.
5. I am the sole owner in my own right of the taxi-cab respecting which the PLATE OWNER is transferring to me a limited interest in his licence.
6. Full particulars of all consideration given by me, whether in money or in kind, direct or indirect, including fees and/or rental _____

_____.
7. Breakdown of all other amounts given by me to the PLATE OWNER _____

_____.
8. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

_____.
9. Full particulars as to where and how the maintenance, repairs or purchases are to be made and payments therefor _____

_____.
10. I will take out, before using the taxi-cab, insurance in accordance with regulation 3 of section 13 of Schedule 4 of By-law No. 79-323.
11. Upon any transfer or purported transfer, directly or indirectly, the limited interest in this Agreement; this Agreement shall be terminated on the date of the transfer or purported transfer or on the date, if any, fixed by the PLATE OWNER.

C. OTHER TERMS AND CONDITIONS by the Parties hereto set out in SCHEDULE "A" to this AGREEMENT not contrary to By-law No. 79-323.

D. PLATE OWNER'S AND PLATE USER'S JOINT COVENANTS
AND AGREEMENTS:

1. The Agreement herein shall be for a period commencing on the _____ day of _____, 19____ and ending on the _____ day of _____, 19____.
2. This Agreement is made on the following basis -- daily, weekly, monthly, yearly or _____.
3. This Agreement comes into force on the _____ day of _____, 19____.
4. This Agreement shall be deemed to be executed by both Parties hereto and Witnessed on the _____ day of _____, 19____.

IN WITNESS WHEREOF the Parties hereto have affixed their hands and seals

THIS _____ day of _____, 19____.

Witness

PLATE OWNER

Witness

PLATE USER

Note: If insufficient space, please enumerate provision on reverse side of page on which the provision appears and use or add pages and initial and date.

APPENDIX "E" TO SCHEDULE 2: TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT		Trips	TOTAL SALES
a.m. p.m.	mileage	a.m. p.m.	mileage		
Paid Miles	Units	Trips		Units	Com. %
Out				Extras	Gal Gas
In				Hourly	Oil
Dif.				Dismiss.	Misc.
				Misc.	Charges
				Total	Total Exp.

CASH

Trip	No. Poss.	FROM	TO	\$	¢	\$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
TOTAL							

DRIVER'S SIGNATURE _____

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
 RADIO ☐ METER ☐
 CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
 CHECK : OIL ☐ TRANSMISSION FLUID ☐

LIVERY DRIVER

SURNAME: FIRST NAMES:
DATE OF BIRTH TELEPHONE NO.
DRIVER'S LICENCE NO. CLASS
DRIVER'S LICENCE EXPIRY DATE: NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE
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NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR
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****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____

To Schedule 3

FORM 5

APPENDIX "B" TO SCHEDULE 3 TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT		Trips	Units	Extras	Hourly	Dismiss.	Misc.	Total	TOTAL SALES	
a.m.	mileage	a.m.	mileage								Com. %	Gal Gas
p.m.		p.m.										
Paid Miles		Units		Trips								
Out												
In												
Diff.												

CASH

Trip	No. Pass.	FROM	TO	\$	¢	\$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
TOTAL							

DRIVER'S SIGNATURE _____

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
 RADIO ☐ METER ☐
 CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
 CHECK : OIL ☐ TRANSMISSION FLUID ☐



**The Corporation of the City of Hamilton
By-law No. 92-144**

**WARNING PROHIBITING
SALE OF TOBACCO TO MINORS**

The sale of tobacco to persons under 18 years of age is limited by Federal and Provincial laws, which provide:

Persons under 16 years of age may not purchase or be sold cigarettes or cigarette papers.

Any person or their agent, being the owner of property on which a vending machine is located, may take from any person under 16 years of age, cigarettes, cigars or tobacco which are being purchased from the machine, or which are about to be used by the person under 16.

No one may sell or give tobacco, cigars or cigarettes to someone under 18 years of age for their own use.

Persons being 16 or 17 years of age must supply the written permission of a parent or guardian to purchase cigarettes cigars or tobacco.

PROOF OF AGE MAY BE REQUIRED

FORM 1 (APPENDIX "A") TO SCHEDULE 19: RECORD CARD

☐ PURCHASED ☐ PAWNED ☐ PREVIOUSLY PAWNED		☐ JEWELLERY ☐ WATCH ☐ OTHER		2ND HAND/PRECIOUS METAL/PAWN REPORT SERIAL NUMBER		
DETAILED DESCRIPTION						
CUSTOMER	NAME			AGE	HAIR STYLE	HAIR COLOUR
	ADDRESS			SEX	WEIGHT	HEIGHT
SIGNATURE				AMOUNT	PLEDGE NUMBER	
DEALER				DATE	☐ AM ☐ PM	
PAWN OFFICER'S USE						

100818 HARBO

SCHEDULE 23

FEES

1. Schedule 1 (Retail Butchers and Fishmongers) : The licence fees for licences under Schedule 1 are \$135.00 for a renewal, and \$185.00 for other than a renewal.

2. Schedule 2 (Taxi-cabs) : The fees for licences and other matters under Schedule 2 are as follows:

- (a) Initial application for entry on the priority list, \$60.00;
- (b) Annual renewal of placement on the priority list, \$60.00;
- (c) First issuance of a private taxi-cab licence from the Taxi-cab Priority List, \$3,480.00;
- (d) Renewal of a private taxi-cab licence, \$420.00;
- (e) Transfer of a private taxi-cab licence, \$670.00;
- (f) Renewal of a public taxi-cab licence, \$420.00;
- (g) Transfer of a public taxi-cab licence, \$670.00;
- (h) First issuance of a taxi-cab broker's licence, \$590.00;
- (i) Renewal of a taxi-cab broker's licence, \$540.00;
- (j) First Issuance of a taxi-cab driver's licence, \$150.00, and renewal of a taxi-cab driver's licence \$100.00;
- (k) Filing fee for the initial copy of a limited interest agreement in respect of the first car, \$120.00;
- (l) Yearly renewal fee for the initial limited interest agreement in respect of the same first car, \$60.00;
- (m) Filing fee for the initial copy of a limited interest agreement in respect of any additional car, \$210.00;
- (n) Yearly renewal fee for a limited interest agreement in respect of any additional car, \$210.00;
- (o) Filing fee for a copy of a notice or an agreement under section 14(5) of Schedule 2, \$60.00.
- (p) Wheelchair Accessible Taxicab (Integrated) - Owner Licence and Renewal, \$5.00."

3. Schedule 3 (Limousine) : The licence fees for licences under Schedule 3 are as follows:

- (a) Limousine owner's licence, for a renewal \$420.00, and \$470.00 for other than a renewal;
- (b) Limousine driver's licence, for a renewal \$100.00, and \$150.00 for other than a renewal.

4. Schedule 4 (Eating Establishments) : The licence fees for licences under Schedule 4 are as follows, \$135.00 for a renewal, and \$185.00 for other than a renewal.
5. Schedule 5 (Food Shops) : The licence fees for a licence under Schedule 5 are \$135.00 for a renewal, and \$185.00 for other than a renewal.
6. Schedule 6 (Tow-Trucks) : The licence fees for licences under Schedule 6 are as follows:
 - (a) For a tow-truck owner's licence, per vehicle, for renewal, \$185.00 and for other than a renewal \$235.00;
 - (b) For a tow-truck driver's licence, for renewal, \$185.00, and for other than a renewal, \$235.00.
7. Schedule 7 (Pedlars) : The licence fees for licences under Schedule 7 are as follows:
 - (1) For a pedlar,
 - (a) who travels with a push cart, renewal, \$185.00, and \$235.00 for other than a renewal;
 - (b) who travels with a motor truck, panel truck or station wagon, renewal, \$185.00, and \$235.00 for other than a renewal;
 - (c) who travels on foot with a basket, valise, bag or pack, for renewal, \$185.00, and \$235.00 for other than a renewal.
8. Schedule 8 (Public Halls and Places of Amusement) : The licence fees for licences under Schedule 8 are as follows:
 - (1) Billiard Parlour or Pool Room, a renewal, \$135.00, and \$185.00 for other than a renewal;
 - (2) Exhibitions for which admission is charged, in other than a licensed theatre or a licensed public hall,
 - (a) of pictures, paintings, statuary, waxworks or other works of art, or curiosities or other objects of interest, per day, \$14.00;
 - (b) of performing horses, ponies or dogs, per day, \$37.00;
 - (c) of a menagerie or trained animal show, circus riding, wild-west show or other like show usually exhibited by showmen, or a carnival, but not including a circus held in a permanent indoor structure per day, \$100.00; and for each side show or other entertainment connected with or associated with each show mentioned in this clause, \$37.00;
 - (d) of a circus held in a permanent indoor structure, per day, \$20.00;
 - (e) of a performance of a troupe or company of actors or musicians, or of dramatic or musical performances, for each performance, \$14.00;
 - (f) of boxing, wrestling or other like performance, for each performance, \$19.00;
 - (3) Theatre or moving picture show, a renewal, \$135.00, and \$185 for other than a renewal;
 - (4) Arena, \$270.00;
 - (5) Bowling Alley, a renewal, \$135.00, and \$185.00 for other than a renewal;

(6) Pinball or other Amusement Machine Parlours in which are located 4 or more machines, a renewal, \$135.00, and \$185.00 for other than a renewal;

(7) Bingo Parlour, a renewal, \$135.00, and \$185.00 for other than a renewal;

(8) Public Hall, other than a Bingo Parlour, a renewal \$135.00, and \$185.00 for other than a renewal;

(9) Roller Skating Rinks or like places of amusement, a renewal, \$135.00, and \$185.00 for other than a renewal;

(10) Merry-Go-Round, Switchback Railway, Carousel or other like contrivances including Roller Coaster, for each day, \$50.00;

(11) Rebound Tumbling Establishment;

(a) for 20 beds or less, \$19.00;

(b) for more than 20 beds, \$37.00;

(12) Shooting Gallery, \$19.00.

9. Schedule 9 (Refreshment Vehicles) : The licence fees for a licence under Schedule 9 are, for renewal, \$185.00, and \$235.00 for other than a renewal.

10. Schedule 10 (Salvage and Second-Hand Goods Businesses) : The licence fees for licences under Schedule 10 are as follows, for a renewal, \$135.00, and \$185.00 for other than a renewal.

11. Schedule 11 (Sign Posters and Bill Distributors, etc.) : The licence fees for licences under Schedule 11 are as follows, for a renewal, \$185.00, and \$235.00 for other than a renewal.

12. Schedule 12 (Tobacco, Cigars and Cigarette Retailers) : The licence fees for licences under Schedule 12 are, for a renewal, \$135.00, and \$185.00 for other than a renewal.

13. Schedule 13 (Transient Traders) : The licence fees for licences under Schedule 13 are as follows:

(1) Transient Trader to which subsection (2) does not apply, for a three-month period or part thereof, \$500.00;

(2) Transient Trader who is a farmer resident in Ontario offering for sale only the produce of his or her own farm, \$5.00.

14. Schedule 14 (Bake Shops) : The licence fees for licences under Schedule 14 are, for a renewal, \$135.00, and \$185.00 for other than a renewal.

15. Schedule 15 (Lodging Houses) : The licence fees for licences under Schedule 15 are, for a renewal, \$135.00 and \$185.00 for other than a renewal, except for second level lodging house licences, the fees for which are provided under by-law 80-259 as amended.

16. Schedule 16 (Pawnbrokers) : The licence fees for licences under Schedule 16 are, for a renewal \$135.00, and \$185.00 for other than a renewal.

17. Schedule 17 (Public Baths) : The licence fee for a licence under Schedule 17 are, for renewal, \$270.00, and \$320.00 for other than a renewal.

18. Schedule 18 (Public Garages) : The licence fees for licences under Schedule 18 are as follows:

(1) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place where motor vehicles are stored or kept for sale (Garage A), for a renewal, \$135.00, and \$185.00 for other than a renewal.

(2) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, including body and fender repairs (Garage B1), for a renewal, \$135.00, and \$185.00 for other than a renewal.

(3) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, except body and fender repairs (Garage B2), for a renewal, \$135.00, and \$185.00 for other than a renewal.

(4) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop for body and fender repairs (Garage B3), for a renewal, \$135.00, and \$185.00 for other than a renewal.

(5) For a public garage that is only an automobile service station within the meaning of the provisions of paragraph 154 of section 154 of the Municipal Act, R.S.O. 1990, Chapter M.45, except a retail store not otherwise an automobile station where gasoline or oils are sold in sealed containers only (Garage C), for a renewal, \$135.00, and \$185.00 for other than a renewal.

(6) For a public garage, other than an automobile service station as described in subsection (5), that is a parking station or a parking lot (Garage D), for a renewal, \$135.00, and \$185.00 for other than a renewal.

Provided that an automobile service station with no more than five parking spaces for hire shall not be deemed to be a parking station or parking lot within the meaning of this section.

(7) For a public garage that is a building or place used for only washing or cleaning motor vehicles or in addition to being an automobile service station as described in subsection (5) (Garage E), for a renewal, \$135.00, and \$185.00 for other than a renewal.

Provided that a licensed public garage not having special equipment capable of washing or cleaning more than 15 motor vehicles a day shall not be deemed to be a building or place used for washing or cleaning motor vehicles within the meaning of this section.

19. Schedule 19 (Precious Metals and Jewellery Dealers) : The licence fees for licences under Schedule 19 are, for a renewal, \$135.00, and \$185.00 for other than a renewal.

20. Schedule 20 (Building Exterior Cleaners) : The licence fees for licences under Schedule 20 are, for a renewal, \$185.00, and \$235.00 for other than a renewal.

21. Schedule 21 (Flea Markets) : The licence fees for licences under Schedule 21 are as follows:

(1) For a Flea Market Owner, a renewal, \$135.00, and \$185.00 for other than a renewal.



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